

# Annual report

## 2010–11



**Australian  
Communications  
and Media Authority**

---

**Annual report**  
2010–11



This report is available  
on the ACMA website at  
[www.acma.gov.au/annualreport](http://www.acma.gov.au/annualreport).

Requests and enquiries concerning reproduction and rights,  
and any enquiries arising from the contents of the report,  
should be addressed to:

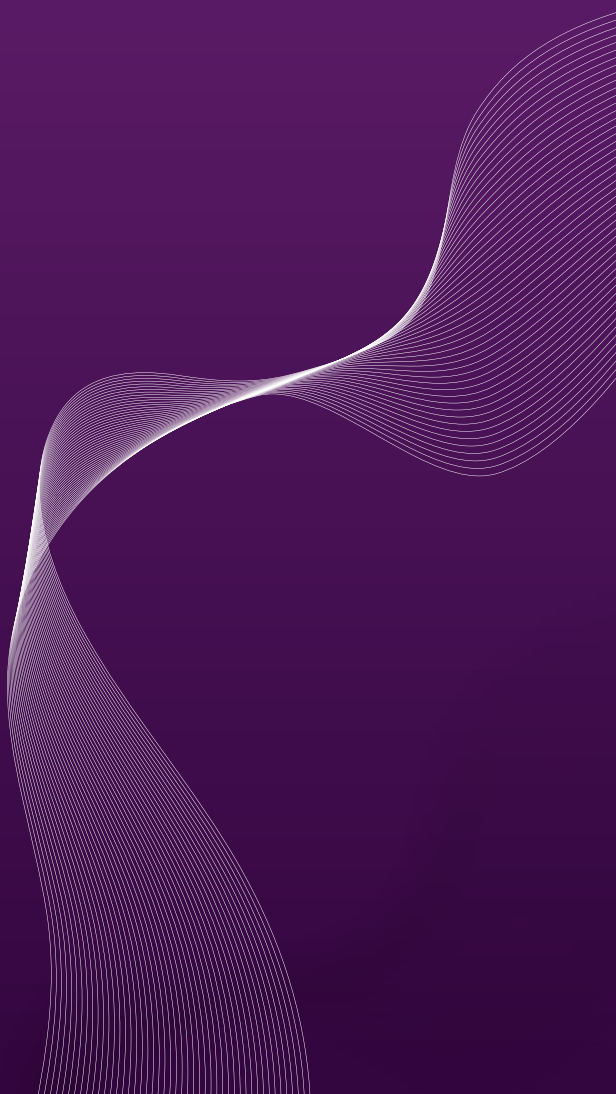
Manager, Editorial Services  
Australian Communications and Media Authority  
PO Box 13112 Law Courts  
Melbourne Vic 8010  
T (03) 9963 6800  
F (03) 9963 6899  
E [candinfo@acma.gov.au](mailto:candinfo@acma.gov.au)

© Commonwealth of Australia 2011

ISSN 1834-1519

This work is copyright. Apart from any use as permitted  
under the *Copyright Act 1968*, no part may be reproduced  
by any process without prior written permission from the  
Commonwealth.

Published by the Australian Communications and  
Media Authority.



30 September 2011

Senator the Hon. Stephen Conroy  
Minister for Broadband, Communications and the Digital Economy  
Parliament House  
Canberra ACT 2600

Dear Minister

In accordance with subsection 57(1) of the *Australian Communications and Media Authority Act 2005*, I am pleased to present the annual report on the operations of the Australian Communications and Media Authority, for the 2010–11 reporting year.

Please note that subsection 57(3) of that Act requires that you table the report in each House of Parliament within 15 days of receiving it.

Yours sincerely



**Chris Chapman**  
Chairman



# Contents

---

## 10 Chairman's foreword

---

### 16 Highlights

- 17 Public inquiry into telecommunications customer care
  - 18 Spectrum planning
  - 18 Digital television
  - 19 Digital dividend
  - 20 Codes of practice
  - 21 Online content complaints
  - 21 Do Not Call Register
  - 22 Anti-spam activity
  - 22 Cybersafety
  - 22 Communications and engagement
  - 22 Research and reporting
  - 23 International activities
  - 23 Conferences and events
- 

## 24 Chapter 1: About the ACMA

### 25 Functions and responsibilities

### 26 Structure

- 26 The Authority
- 29 Corporate structure

### 31 Revenue collection

### 31 Governance

### 32 Strategic and business planning

- 32 Strategic planning
  - 33 Business planning
- 

## 34 Chapter 2: Regulatory environment

### 36 Regulatory functions

- 36 The ACMA's responses to convergence and regulatory pressures

### 36 Ownership and control

- 36 Register of Controlled Media Groups
- 37 Interactive media control database
- 37 Compliance with ownership and control provisions
- 39 Local content
- 40 Broadcasting Financial Results

<b>41</b>	<b>Digital broadcasting</b>
41	Digital television
44	Digital radio
<b>44</b>	<b>Spectrum planning</b>
45	Allocation of 700 MHz and 2.5 GHz bands
<b>46</b>	<b>Radiocommunications</b>
46	Stakeholder engagement
47	International activities
48	Expiring spectrum licences
49	Case study: Review of the 900 MHz band—exploring new opportunities
51	400 MHz band implementation
51	Mobile broadband project
52	Implementation of 2.5 GHz arrangements
52	Review of the mobile phone jammer prohibition
53	Space regulation
54	Radiocommunications research and analysis
<b>55</b>	<b>Allocation and licensing</b>
55	Market-based resource management
55	Opportunity-cost pricing for administratively allocated spectrum
56	Radiocommunications licensing
58	Spectrum licensing
59	Class licensing
62	Broadcasting licence area plans and variations
64	Digital channel plans and variations
64	Broadcasting licensing
68	Telecommunications licensing
<b>68</b>	<b>Telecommunications numbering</b>
68	Numbering Plan administration
68	Numbering Advisory Committee
68	Number allocations register
69	Numbering transactions
70	Portability
70	Pre-selection
71	Geographic numbering amendments
71	Directory assistance service
72	Case study: The numbering work program—regulating in a converged communications environment
<b>74</b>	<b>Revenue and fees</b>
75	USO funding and subsidies
75	Annual carrier licence charges
75	Do Not Call Register access fees and cost recovery
76	Numbering charges
77	Number auctions
77	Apparatus licence taxes
77	Spectrum licence tax
78	Broadcasting licence fees and datacasting charge
<b>79</b>	<b>Technical regulation</b>
79	Regulatory arrangements—technical standards and labelling notices
80	Telecommunications standards
81	Radiocommunications standards
81	Electromagnetic compatibility standards
82	Digital television standards and codes
82	Electromagnetic energy standards
83	Prohibited customer equipment—mobile phone boosters
83	Cabling regulation
84	Certification bodies



84	Telecommunications infrastructure regulation
85	Submarine cable protection
<b>86</b>	<b>Compliance investigations</b>
87	Radiocommunications compliance
88	Radiocommunications interference management
91	Telecommunications compliance
97	Telemarketing and fax marketing
103	Anti-spam
106	Broadcasting complaints and investigations
112	Online content complaints
114	Interactive gambling
115	Case study: Cooperation between the ACMA and INHOPE to remove online child abuse material
<b>116</b>	<b>National interest issues</b>
116	Law enforcement liaison
116	Identity-checking requirements for prepaid mobile phone services
116	Disclosure of customer information to law enforcement and national security agencies
116	Disclosure of Integrated Public Number Database (IPND) data for telephone-based emergency warning systems
116	Industry code—Handling of Life Threatening and Unwelcome Communications
117	Emergency call service
119	Integrated Public Number Database
119	e-Security
<b>120</b>	<b>International matters</b>
121	Hosting delegations from overseas stakeholders
121	INHOPE

---

## **122 Chapter 3: Content regulation and consumer information**

<b>124</b>	<b>The ACMA's regulatory role</b>
124	Content regulation
124	Australian content in advertising
125	Australian music code
125	Children's television
126	Declaration of primary services
128	High definition broadcasting
128	Local content on regional television
128	Subscription television drama expenditure
129	Anti-siphoning provisions
129	Review of commercial radio standards
130	Internet industry codes
130	Telecommunications industry codes
130	Broadcasting industry codes and guidelines
131	Quality of captioning
<b>131</b>	<b>Consumer safeguards</b>
131	<i>Reconnecting the Customer</i> public inquiry
133	Implementation of consumer safeguard reforms
133	Telecommunications Industry Ombudsman (TIO)
134	Universal service obligation (USO)
134	Payphone performance
134	Customer Service Guarantee
135	Network Reliability Framework
136	Priority assistance
136	Local presence plan
136	National Relay Service
138	Consumer Consultative Forum (CCF)

138	Do Not Call Register
139	Extended zones agreement
139	Mobile phone coverage
139	Protection of consumer information
<b>140</b>	<b>Community awareness</b>
140	Cybersafety—the Cybersmart program
144	Telecommunications awareness
<b>145</b>	<b>Research and reporting</b>
145	Consumer and audience research
146	Transition to digital television
147	Research into online safety
147	Broadcasting and media privacy
148	Economic analysis and regulatory reviews
148	Digital media literacy
148	Market trends and service developments
149	Technology and technical developments
149	Ministerial reports
149	Comparative international research
150	Case study: <i>Communications report 2009–10</i> —transforming statutory reporting

---

## **152 Chapter 4: Managing and developing our resources**

<b>153</b>	<b>Our people</b>
153	Performance payments
154	Workplace Diversity Program
154	Changes to disability reporting in annual reports
155	Ethical standards
155	Health and safety
156	Consultation and workplace relations
156	People and capability development
157	Case study: Strategic workforce planning
158	Performance management
158	Creating Knowledge program
158	ACMA transformation program
159	Client Service Charter
<b>159</b>	<b>Information management</b>
159	Transformation agenda
160	Technology platform
161	Information management
<b>161</b>	<b>Corporate governance</b>
161	Audit
161	Risk management
161	Security
<b>162</b>	<b>Communications and engagement</b>
<b>162</b>	<b>Financial management</b>
163	Procurement and contract management
163	Grant programs
163	Asset management
<b>163</b>	<b>Property management</b>
163	Ecologically sustainable development and environmental performance

---

## **164 Appendixes**

165	Appendix 1: ACMA offices
166	Appendix 2: ACMA committees, memberships and attendance at meetings
170	Appendix 3: Staffing information
177	Appendix 4: Licensing and licence allocations
193	Appendix 5: Programs and content
195	Appendix 6: Broadcasting investigations outcomes 2010–11
214	Appendix 7: Freedom of information
216	Appendix 8: Legislation
218	Appendix 9: Notifications, directions and instruments
219	Appendix 10: Disclosures of information
220	Appendix 11: Judicial and administrative decisions 2010–11
221	Appendix 12: Consultancies, advertising expenditure and competitive tendering
223	Appendix 13: Outcome table 2010–11
224	Appendix 14: Agency resource statement 2010–11
226	Appendix 15: Performance against PBS KPIs and deliverables 2010–11
228	Appendix 16: Regulatory impact analysis compliance report
229	Appendix 17: Compliance index
232	Appendix 18: Financial statements

---

## **300 Glossary**

---

## **305 Index**

---

# **Chairman's foreword**

An abstract graphic consisting of numerous thin, light gray lines that flow and curve across the page, creating a sense of movement and depth. The lines originate from the left side and sweep towards the right, with some lines curving upwards and others downwards, creating a dynamic, wave-like pattern.

In a year that began with the celebration of our fifth birthday, the ACMA continued to strive to be the world's best converged regulator, which is the standard of performance we have set ourselves.

I continue to find the range of the things we do to be remarkable, and the workload has continued unabated. Many of our 'normal' activities (such as investigating complaints about internet content) have grown substantially. And when I look back over 2010–11, several areas stand out from a crowded year.



Chris Chapman, Chairman

---

### Telecommunications consumer issues—*Reconnecting the Customer*

In April 2010, I announced a set of initiatives relating to telecommunications consumer matters under the rubric of *Reconnecting the Customer* (RTC). The central element of the RTC initiatives was a major public inquiry to explore telecommunications customer service and complaints-handling. This was a major and important activity in its own right, but conducting this kind of broad-ranging inquiry was also a first for the ACMA. Its conduct involved a number of firsts as the ACMA sought to draw on the broadest range of input and insights about the experiences of telecommunications customers.

I said at the time that we wanted to understand what the problems were and their causes, and how industry was dealing with its customers. Our aim was to identify enduring solutions that would improve customer service and complaints-handling, both now and in the foreseeable future.

The terms of reference and consultation paper were a catalyst for gathering evidence on these issues from the public, consumer groups, telecommunications companies and other regulatory agencies, both through formal written submissions and our highly successful on-the-ground public hearings held throughout Australia.

By financial year's end our draft inquiry report, supported by extensive research and other inputs, had been released. This confirmed that there was a range of issues for consumers, and it identified the key causes of these issues. Our draft report set out a multi-layered plan to improve customer service for Australia's long-suffering telecommunications consumers. At the launch of this report, I said that customers must come first and, in no uncertain terms, put the telecommunications industry on notice to lift its game. I also acknowledged that the industry seemed to understand that it had to change.

Under the RTC proposals, more than a thousand Australian telecommunications providers and ISPs will need to deliver on six major consumer protection measures, while coming under greater regulatory scrutiny by us to make sure they follow through.

Briefly, these six measures are:

- > improved advertising practices
- > improved product disclosure information
- > the introduction of transparent customer care performance reporting
- > the provision of expenditure management tools for consumers to manage their costs and avoid 'bill shock'
- > the adoption by industry of best-practice internal complaints-handling
- > changes to the Telecommunications Industry Ombudsman (TIO) scheme.

Following consideration of submissions to the draft RTC report, we expect to release the final report in early September 2011.

### **Codes and consumer complaints**

Another strand of the RTC initiatives related to our participation in the current review of the Telecommunications Consumer Protection (TCP) Code, being undertaken by Communications Alliance (CA).

The ACMA is an observer on the TCP Code Review Steering Group, which met 15 times during 2010–11. Our expectation is that consultation drafts of the revised code will be released to the public in the second half of 2011 and provided to the ACMA to consider its registration before the end of the year.

More generally, the ACMA has also been changing its approach to addressing consumer issues and complaints. This is evident from our quarterly consumer bulletin, which reports on a range of proactive initiatives, including audits and compliance education.

One area where the ACMA's regulatory approach has clearly contributed to improved outcomes for telecommunications consumers during the year surrounds mobile premium services and our regulatory strategy to protect consumers who use these services. Two new service provider determinations came into force early in the year that give industry incentives to comply with the Mobile Premium Services (MPS) Code and create further protections for consumers. Both were made following consultation with consumer representatives, industry and other regulators.

The first determination requires all mobile CSPs to offer barring of all premium SMS and MMS services to their customers from July 2010, and to provide information about how to request barring at regular intervals over the lifecycle of a mobile phone service.

The second prohibits mobile CSPs and content providers from contracting with other content providers not included on the industry register maintained by CA. It also prevents mobile phone customers from being billed for mobile premium services from content providers responsible for serious breaches of the MPS Code, for a period up to three years.

We have closely monitored compliance with the code and it is very pleasing to see that the number of complaints about mobile premium services recorded by the TIO decreased steadily over the course of the year. The figure for the June quarter of 2011 was the lowest quarterly figure for mobile premium services complaints since the TIO began collecting distinct complaint data on these services almost five years ago.

Our review of the MPS Code commenced in July 2010 and a revised draft code is due to be released for public and industry comment in the second half of 2011. Once the review is finalised, the revised code will be presented to the ACMA to consider its registration.

### **The National Broadband Network**

While on the subject of regulation in telecommunications, I should briefly mention the emergence of the National Broadband Network (NBN)—which might be described as the 'new world order' in the fixed-line world.

The NBN process has a long way to run, but what is becoming clear is that our role will grow as the policy system turns its collective mind to how a range of issues currently embedded in telecommunications regulation should be resolved. We welcomed the minister's announcement last year that the government intends to review the current system.

In the interim, the ACMA already has a number of roles, one of which is continuing to have a regulatory presence across a range of telecommunications consumer safeguards in the NBN world, including the Universal Service Obligation (USO), the Customer Service Guarantee (CSG) and the Network Reliability Framework, as they are applied to the existing fixed-line copper network.

Amendments to telecommunications legislation introduced new powers to strengthen the protections offered by the USO and the CSG, with the aim of protecting consumers in the transition to the NBN, addressing the risk of falling service quality and ensuring continued access to basic voice services.

### Anti-spam and the Do Not Call Register

The ACMA has also continued to be very active in two particularly visible consumer-related areas of activity—anti-spam and the Do Not Call Register—keeping the pressure on industry through Federal Court decisions during the year.

The court imposed a penalty of \$2 million on the last respondent in the ACMA's first Federal Court action involving SMS spam. The total penalties in the case were \$24.25 million.

This year also saw the ACMA experience our highest number of contacts from the public about spam since the commencement of the *Spam Act 2003*. Our ability to generate greater awareness of the ACMA's role in spam regulation, the success of the Spam SMS service (which enables reporting of SMS spam by SMS) and the streamlining of methods for reporting spam to the ACMA all contributed to this increase.

Enforcement under the *Do Not Call Register Act 2006* achieved a milestone with the first-ever Do Not Call Register Federal Court ruling, which resulted in a penalty of \$120,000 against a Queensland travel agent and injunctions against it and its sole director.

Listings on the register topped six million while, at the same time, the total number of complaints about telemarketing calls and marketing faxes rose significantly compared with the 2009–10 year.

Again, this can be attributed in considerable part to our success in increasing awareness among consumers about how to register their numbers, complain and report telemarketing scams.

### Convergence

Convergence has become an important driver of the ACMA's work. Much of what we do is already being looked at through the lens of convergence. Indeed, convergence is now part of our core business (our 'day job') and is influencing many of our major projects, including spectrum management and technical regulation, the numbering project, premium SMS, electronic wallet and mobile applications, our RTC strategy and digital media literacy.

Our experience, and the broad research program of research, is informing our thinking about the policy objectives for regulation in the future and whether new or different forms of intervention are needed to help consumers in a converged content environment.

The ACMA has been contributing to the government's Convergence Review directly and indirectly and this will continue to be an important focus during 2011–12.

### Numbering

With numbering a key issue as we move to a more converged world, the work we did during the year on the Numbering Plan was very timely. Four consultation papers released at different times of the year looked at the underlying structure of the Numbering Plan and several areas, including VoIP and other broadband-enabled services, where service evolution is already putting pressure on traditional numbering-based approaches.

Another current issue is the challenges facing emergency service and law enforcement agencies in obtaining customer location information today, when telephone numbers are a less reliable source of that information.

Our next step will be to issue a directions paper later in 2011 summarising the feedback received and identifying the changes that may be needed to improve the effectiveness of the Numbering Plan and related numbering arrangements.

### Digital switchover

The ACMA continued to meet its responsibilities related to the digital switchover, providing technical and regulatory advice and information on television coverage. One critical decision reached during the year was the replanning or 'restack' of the digital dividend, following a direction from the minister.

Two main candidate planning approaches—the ‘block’ and ‘minimum moves’ planning approaches—were identified for consideration. Our public discussion paper, released in early 2011, compared these planning approaches in detail and the feasibility of both was tested through the preparation of indicative channel plans.

The ACMA decided to adopt the ‘block’ planning approach and will progress the development of detailed channel plans for the implementation of restack and the clearing of the digital dividend for reallocation.

The ACMA’s multifaceted television coverage evaluation program, which identifies transmission infrastructure issues that would otherwise prevent the transmission of digital television broadcasting, continued throughout 2010–11. Our active measurement program provides detailed information about the performance of digital television under a variety of conditions and helps to inform various government-administered programs and initiatives relating to digital television.

### Spectrum management

When I addressed this year’s *Radcomms2011*, I told those attending how much I had come to appreciate the depth of issues that need to be balanced and accommodated, in order to hold one’s head high as a successful spectrum agency.

These issues range from highly technical engineering assessments, economic efficiency determinations and sophisticated public policy considerations—all in an environment of a huge uptick in demand, which is being led by the surge in mobile broadband devices and is right across the board.

The provision of significant bands of spectrum to power the mobile generation is real and becoming urgent. We need to get this right and we need to get this right for the next five to 10 years—a long time in a sector that is famously moving at warp speed.

The very taxing workload in spectrum this year bears witness to this more broad assessment of what we face in this area.

Our *Five-year spectrum outlook 2011–2015* identified three key tasks in spectrum management:

- > helping the government achieve digital switchover
- > delivering on key projects to address spectrum demand
- > planning for new services.

Completing these tasks involves a number of specific projects on which we made significant progress this year. We finished our review of the 400 MHz band, releasing implementation plans and time frames for new arrangements in the band. These arrangements will reduce congestion, harmonise government spectrum, facilitate interoperability between state and federal government agencies in essential and emergency services, and herald a new era in government radiocommunications use, as well as give industry the certainty it needs to plan for the future.

Our work on the ‘digital dividend’ 700 MHz spectrum and the review of the 2.5 GHz band came together in late 2010–11 with the announcement of the first formal steps towards a joint auction of the new spectrum licences in both bands. This ‘single auction’ decision reflects the strong complementary nature of the two bands for advanced mobile telecommunications. At the same time, we released two draft recommendations on reallocations in these bands—a process that is important in meeting the community’s increasing demand for mobile broadband and opening the door to new services to be delivered to the public.

In a further response to this burgeoning demand, we released a paper that looked at new options for replanning the 900 MHz band. This exciting spectrum initiative will continue over a number of years and examine current regulatory arrangements to make sure they best embrace technological developments.

### Cybersafety

The ACMA is particularly proud of its important and world-leading work in cybersafety awareness. Our role consolidated and grew during 2010–11 as we extended the leverage of the now well-recognised Cybersmart brand and continued to roll out our program of training teachers, parents and young people directly. The ACMA has been heartened by the very positive feedback this program has been getting, supported by on-the-ground results.



### Communications and engagement

Improving the way we communicate with our stakeholder community has been a priority for some time for the ACMA, and we have been championing a range of new applications, consistent with broader Gov 2.0 policies and aspirations.

A key focus during 2010–11 was on segmentation. As various campaigns, consultations, events and activities have been occurring, we have been lifting our game in trying to tailor materials, messages and media for particular groups or segments that are likely to find these of particular interest or relevance.

The ACMA is now active in all the main social media and social network channels, and has launched a beta website, [engage.acma.gov.au](http://engage.acma.gov.au), to drive its Web 2.0 engagement with users.

### Overarching perspective

The 2010–11 year was exactly what the ACMA thought it would be—challenging, frenetic, satisfying and full of progress and learnings. It was also one, I believe, where our stakeholders engaged with the ACMA actively and successfully.

A handwritten signature in black ink, appearing to read 'Chris Chapman', with a long, sweeping horizontal line extending to the right.

**Chris Chapman**  
Chairman

A handwritten signature in black ink, consisting of a single, stylized, sweeping line.

---

# Highlights



The following are some particular highlights of 2010–11 for the ACMA.

### **Public inquiry into telecommunications customer care**

In July 2010, the ACMA commenced the *Reconnecting the Customer* public inquiry into customer service and complaints-handling in the telecommunications industry. The inquiry was prompted by the high number of complaints to the TIO and the increasing complexity of the telecommunications industry.

The ACMA obtained evidence and information from various sources, including written submissions to its consultation paper and progress report, roundtable meetings and public hearings with consumer and industry representatives, data from the TIO and industry, one-on-one discussions with key stakeholders and extensive research.

The ACMA released a draft report in June 2011, detailing its proposed recommendations to improve customer care. The recommendations aim to:

- > increase the availability of simple and clear pricing and customer care information for consumers
- > improve the comparability of products, pricing and customer care performance and increase competition among service providers
- > empower consumers by allowing them to better manage usage and expenditure
- > mandate standards for complaints-handling and increase visibility of complaints-handling performance.

The draft report detailing the ACMA's findings and proposed recommendations can be accessed on the ACMA website. Comments will be reviewed and the final report released in the new reporting period.



Chris Chapman, Chairman, at the launch of the *Reconnecting the Customer* draft public inquiry report.

## Spectrum planning

In May 2011, the ACMA released *Towards 2020—Future spectrum requirements for mobile broadband*, a discussion paper that considers Australia's mobile broadband spectrum requirements to 2020. The analysis takes into account international trends in spectrum management including large releases of additional spectrum by North American and European regulators to meet their mobile broadband demand. The paper also considers new and emerging technologies offering improved data rates and spectral efficiency, and their effect on the baseline spectrum requirements for mobile broadband to 2020.

At the same time, the ACMA released *The 900 MHz band—Exploring new opportunities: Initial consultation on future arrangements for the 900 MHz band*, a discussion paper to begin the public phase of a review of radiofrequency spectrum in the frequency range 803–960 MHz. This spectrum reform initiative will continue over a number of years and consider regulatory arrangements in the 900 MHz band to ensure they best facilitate current and future technologies and applications.

The ACMA also released a response paper to its January 2010 discussion paper on the review of the pricing, planning and licensing arrangements for spectrum in the 2.5 GHz band, which is currently used primarily by free-to-air TV broadcasters for electronic news gathering (ENG). The response paper acknowledged a number of important issues that stakeholders had raised in their submissions to the discussion paper and outlined the ACMA's view that ENG services should continue to operate in a part of the 2.5 GHz band. The remainder of the band will be made available for wireless access services via spectrum licensing. In addition, ENG operation will also be licensed in a number of alternative bands, subject to development of appropriate sharing and coordination arrangements.

Proposals for future spectrum arrangements in the 400 MHz band were finalised, including a harmonised band for government use and measures to allow more efficient use of this spectrum. Work continued on developing support requirements for the implementation of the final arrangements.

## Digital television

As the regulator responsible for spectrum management and broadcasting, the ACMA has a number of responsibilities related to the switchover to digital television. During 2010–11, the ACMA continued to work closely with the Digital Switchover Taskforce and related areas of the Department of Broadband, Communications and the Digital Economy (DBCDE), providing technical expertise as well as regulatory and television coverage advice.

Through its coverage evaluation program, the ACMA is evaluating digital television coverage across Australia so planning can be completed to ensure equivalent coverage before analog television is switched off. This year, the program covered 17 areas across the country. Measurements were completed in each television viewing area at least six months before the switchover to digital, which began with the Mildura/Sunraysia region on 30 June 2010 and was followed by the regional South Australian switchover area on 15 December 2010 and the regional Victorian switchover area on 5 May 2011. Other switchover areas will be progressively evaluated around the country, region by region until the end of 2013. These reports are now progressively being made available on the ACMA website.

The ACMA is also responsible for registering conditional access schemes under Part 9C of the *Broadcasting Services Act 1992* (BSA), which govern access to digital television broadcasting services via satellite for those viewers unable to obtain an adequate terrestrial signal. On 9 December 2010, following enabling legislation that was passed in mid-2010, the ACMA registered conditional access schemes ahead of the switch-off of analog television services in regional South Australia on 15 December 2010. To date, over 25,000 viewers have been granted access to digital television via satellite. The ACMA is satisfied that so far the schemes have been working well to achieve the aim of ensuring that all Australians receive digital television services.

## Digital dividend

Following the switchover from analog to digital television, a significant amount of spectrum—the ‘digital dividend’—will be freed up. There are three key steps to realising the digital dividend:

- > completing the switchover to digital television
- > clearing digital television services from the block of UHF spectrum corresponding to channels 52–69—known as ‘restack’
- > reallocating the cleared spectrum to new users.

## Restack

In July 2010, the Minister for Broadband, Communications and the Digital Economy directed the ACMA on a range of issues related to the replanning of digital television to yield the 126 MHz of digital dividend. The minister’s direction settled several of the key high-level restack objectives and some of the detailed planning principles to be applied. However, a number of important restack matters were left to the ACMA to determine.

On 28 February 2011, the ACMA released *Clearing the digital dividend—Planning objectives and principles for restacking digital television channels*, a discussion paper that set out proposed objectives and planning principles to guide the preparation of channel plans for the restack. The ACMA received 17 submissions from the broadcasting industry and other interested parties.

The most critical planning principle decision was the overall planning approach to restack channel planning. Having considered the analyses of planning approaches and implementation methods, and the submissions, the ACMA decided that a ‘block’ planning approach should be adopted. This is reflected in the planning principles set out in the decision paper published by the ACMA on 26 May 2011.

With the restack planning principles decided, the ACMA, in collaboration with industry, will now progress the development of detailed channel plans necessary for the implementation of restack and the clearing of the digital dividend for reallocation.

## Reallocation

Good progress has also been made on reallocating the digital dividend spectrum. In October 2010, the ACMA released *Spectrum reallocation in the 700 MHz digital dividend band*, which outlined the proposed steps for the spectrum reallocation and called for comment on the various aspects of the reallocation process. At the same time, the ACMA published a response to submissions paper on the review of the 2.5 GHz band and long-term arrangements for ENG.

In November 2010, the ACMA also held a public forum—the ‘Digital Dividend Spectrum Tune-up’—in Sydney, which gave stakeholders an opportunity to obtain further information about the issues raised in the digital dividend paper. The comments received from stakeholders assisted the ACMA in taking the first formal step towards reallocating spectrum in the digital dividend and 2.5 GHz bands.

In late May 2011, the ACMA prepared draft recommendations to the minister to declare parts of the spectrum in these two bands for reallocation under section 153B of the *Radiocommunications Act 1992*. The ACMA has invited comments from potentially affected apparatus licensees on the terms of the draft recommendation, and intends to make final recommendations to the minister in August 2011.

The ACMA has also decided to conduct a single auction of the digital dividend and 2.5 GHz spectrum, reflecting the complementary nature of the two bands for advanced mobile telecommunications. The auction is currently planned for late 2012.

## Codes of practice

### New codes registered

On 9 June 2011, the ACMA registered the new Community Television Broadcasting Codes of Practice 2011 (the codes), developed by the Australian Community Television Alliance (ACTA), in consultation with the ACMA. The codes contain provisions intended to foster improved standards of governance and community participation. For example, they ensure that the constitution of each licensee contains provisions for board appointments and a corporate structure that encourages business best practice, balancing the need for professional expertise against the requirement for community participation. The codes also contain provisions to better reflect current television industry practice; for example, exemption from classifying news, current affairs and sports programs.

### New developments

The Australian Broadcasting Corporation (ABC) notified the ACMA of a new code of practice for ABC content, effective from 11 April 2011. Under the BSA, codes developed by Australia's national broadcasters are notified to, but not registered by, the ACMA.

Commercial Radio Australia (CRA) is developing a new code, in consultation with the ACMA, to take account of the outcomes of the ACMA's 2009 investigation into the adequacy of community safeguards for the protection of participants in live-hosted commercial radio. It is anticipated that the new codes for participants will be finalised for registration during the 2011–12 financial year.

In consultation with the ACMA, the Australian Subscription Television and Radio Association (ASTRA) has commenced the review of the Subscription Broadcast Television Code of Practice 2007, the Subscription Narrowcast Television Codes of Practice 2007 and the Subscription Narrowcast Radio Code of Practice 2007. The review will continue into the 2011–12 financial year.

## Mobile premium services

Throughout the reporting period, the ACMA continued its extensive and rigorous program of monitoring compliance by mobile premium services with the Mobile Premium Services Code. Using compliance audits, the ACMA has identified potential contraventions of the code and brought the problem to the attention of the mobile premium service suppliers. In the majority of cases, changes to services to achieve future compliance have been readily volunteered.

In other cases, the ACMA has initiated an investigation under the *Telecommunications Act 1997*. In 2010–11, the ACMA completed 16 investigations of contraventions of the code and issued directions to comply with the code to 10 suppliers.

Continuing the trend from the previous year, the number of complaints about mobile premium services recorded by the TIO fell steadily during the reporting period. In the March quarter of 2011, 1,130 complaint issues were raised—the lowest quarterly figure since the TIO began collecting distinct complaints data on mobile premium services in December 2006. The ACMA intends to continue this program into the next reporting period.

Communications Alliance commenced a review of the code in July 2010. It is expected that the ACMA will register a revised code in the next reporting period.

On 28 July 2010, the ACMA made the Telecommunications Service Provider (Mobile Premium Services) Determination 2010 (No. 2), which prohibits:

- > mobile carriage service providers and content providers from contracting with other content providers not included on the industry register maintained by Communications Alliance
- > mobile phone customers from being billed for mobile premium services from content providers responsible for serious breaches of the code for a period of up to three years.

The determination will enhance consumer protections by reinforcing the code rules requiring registration of all content providers and removing services that have been found to cause significant consumer detriment.

### Telecommunications code compliance

The ACMA continued a range of activities to promote compliance with the Telecommunications Consumer Protections Code (the TCP Code) and achieve better outcomes for consumers. This included regular audits of the compliance of providers with particular TCP Code obligations to identify non-compliance and working with providers to address issues.

The ACMA also investigated specific complaints referred by the TIO and consumers, as well as being involved in the current review of the TCP Code. It is anticipated that consultation drafts of the revised code will be released to the public in mid-2011 and provided to the ACMA to consider its registration during the second half of 2011.

A new initiative for the year was the regular publication of the *Telecommunications consumer protection compliance and enforcement bulletin*. The bulletin analyses recent trends in consumer complaints to the TIO, identifies areas of concern, and provides information about the ACMA's current and recent telecommunications compliance work.

### Online content complaints

During 2010–11, the ACMA experienced an increase in the already high number of complaints about online content. A total of 4,865 complaints were received in the reporting period, a 51 per cent increase on the 3,212 complaints from 2009–10.

The ACMA finalised investigations into 6,587 items of online content during the reporting period, a 72 per cent increase on the 3,828 from 2009–10.

The continued increase in complaints received by the ACMA and the resultant investigations is likely to be due to factors including:

- > an increased number of Australian families who are online
- > greater awareness of the potential dangers of harmful content
- > increased awareness of how to report suspected prohibited content
- > greater community interest in online content regulation issues and the role of the ACMA in this area.

### Do Not Call Register

In 2010–11, more than 1.33 million numbers were added to the Do Not Call Register, with a total of 6.36 million numbers registered at 30 June 2011.

By the end of the reporting year, 5,945 telemarketers had established accounts to check or 'wash' numbers and more than 4.2 billion numbers had been washed against the register.

In 2010–11, the total number of received telemarketing and fax marketing complaints increased by 76 per cent on the previous year. Of the 19,711 complaints, 16,036 raised potential contraventions of the *Do Not Call Register Act 2006* and/or the telemarketing or fax industry standards.

The increase in complaints to the ACMA is attributable in considerable part to greater public awareness of how to complain, more registrations and greater media reporting of telemarketing scams.

During the reporting period, the ACMA finalised 10 investigations into individuals or organisations that were alleged to have contravened the Do Not Call Register Act. Enforcement action taken this year included a penalty of \$120,000 against FHT Travel and injunctions against it and its sole director in the Federal Court's first ever Do Not Call Register ruling.

## Anti-spam activity

This year saw the ACMA experience its highest number of contacts from the public about spam since the commencement of the *Spam Act 2003*, with an increase of 360 per cent on 2009–10. Greater awareness of the ACMA's role in spam regulation, the success of the Spam SMS service (which enables reporting of SMS spam by SMS) and streamlining the methods for reporting spam to the ACMA all contributed to this increase.

During 2010–11:

- > a penalty of \$2 million was imposed on the last respondent in the ACMA's first Federal Court action involving SMS spam—the total penalties in the case were \$24.25 million
- > the ACMA accepted two enforceable undertakings with financial components totalling \$118,000
- > one infringement notice of \$11,000 was paid.

## Cybersafety

Cybersafety awareness activities during the year focused on the development of new resources such as an online professional development program for teachers, a pre-service teacher program, an interactive parent resource and various multimedia school resources. These resources build on the existing suite of resources, including the Cybersmart website, which continued to offer young people, parents, teachers and library staff a one-stop shop for cybersafety information and education resources. The development and deployment of internet safety presentations and teacher professional development resources for the Cybersmart Outreach program continued throughout the year, along with the production of cybersafety education programs and information material for schools, parents and libraries.

In 2010–11, the ACMA's Cybersmart Outreach program delivered 1,731 presentations to more than 172,200 teachers, parents and students. Participation in the Professional Development for Educators program continued to be strong, with more than 3,500 teachers attending a workshop during the year.

## Communications and engagement

During the year, the ACMA continued to revamp its communications and stakeholder engagement strategy to foster ongoing engagement with stakeholders built around the principles of the government's Gov 2.0 policy. The ACMA is now active in all the main social media and social network channels, and has launched a beta platform at [engage.acma.gov.au](http://engage.acma.gov.au) to drive its Web 2.0 engagement with users. Content is now being presented in a variety of formats—including graphics and video—and delivered through a range of channels.

The ACMA is rebuilding its corporate website and subscribing to a series of web-based outreach applications to support its various campaigns, consultations, events and activities. This will help it to engage with users of social networks and visitors to the ACMA's satellite websites.

## Research and reporting

The ACMA's research and reporting program helps it to make informed decisions as an evidence-based regulator and understand the implications that regulation of communications and media markets may create. The program also supports the agency in meeting its statutory obligations.

Throughout 2010–11, the ACMA completed a range of research that examined consumer and audience attitudes, concerns and service use, including engagement in e-commerce, billing and charging for 3G mobile services and telecommunications numbering. The results of research into the customer service and complaints-handling experiences of telecommunications customers, commissioned to support the *Reconnecting the Customer* public inquiry, were also published during the year.

Further research conducted during the year examined the transition to digital television, online safety, media privacy, digital media literacy, and technology and technological developments.



## International activities

The ACMA participated in national, regional and international radiocommunications meetings to prepare for the International Telecommunication Union (ITU) World Radiocommunication Conference 2012 (WRC-12). WRCs are held approximately every four years to review and amend the ITU Radio Regulations. This year, the ACMA focused on Australia's domestic and regional preparation for the Conference Preparatory Meeting (CPM) for WRC-12. The CPM was held in Geneva, Switzerland from 14–25 February 2011. The Australian Delegation was successful in ensuring all of Australia's preferred options to resolve WRC-12 Agenda items were maintained and carried through to the final CPM Report to WRC-12.

## Conferences and events

### *RadComms2011*

The ACMA held its fifth national conference on spectrum management, *RadComms2011*, on 26 and 27 May 2011 in Sydney, attracting more than 250 radiocommunications professionals from across industry and government.

The conference is designed to give participants the opportunity to hear the latest spectrum developments, participate in open forums and exchange ideas with radiocommunications professionals.

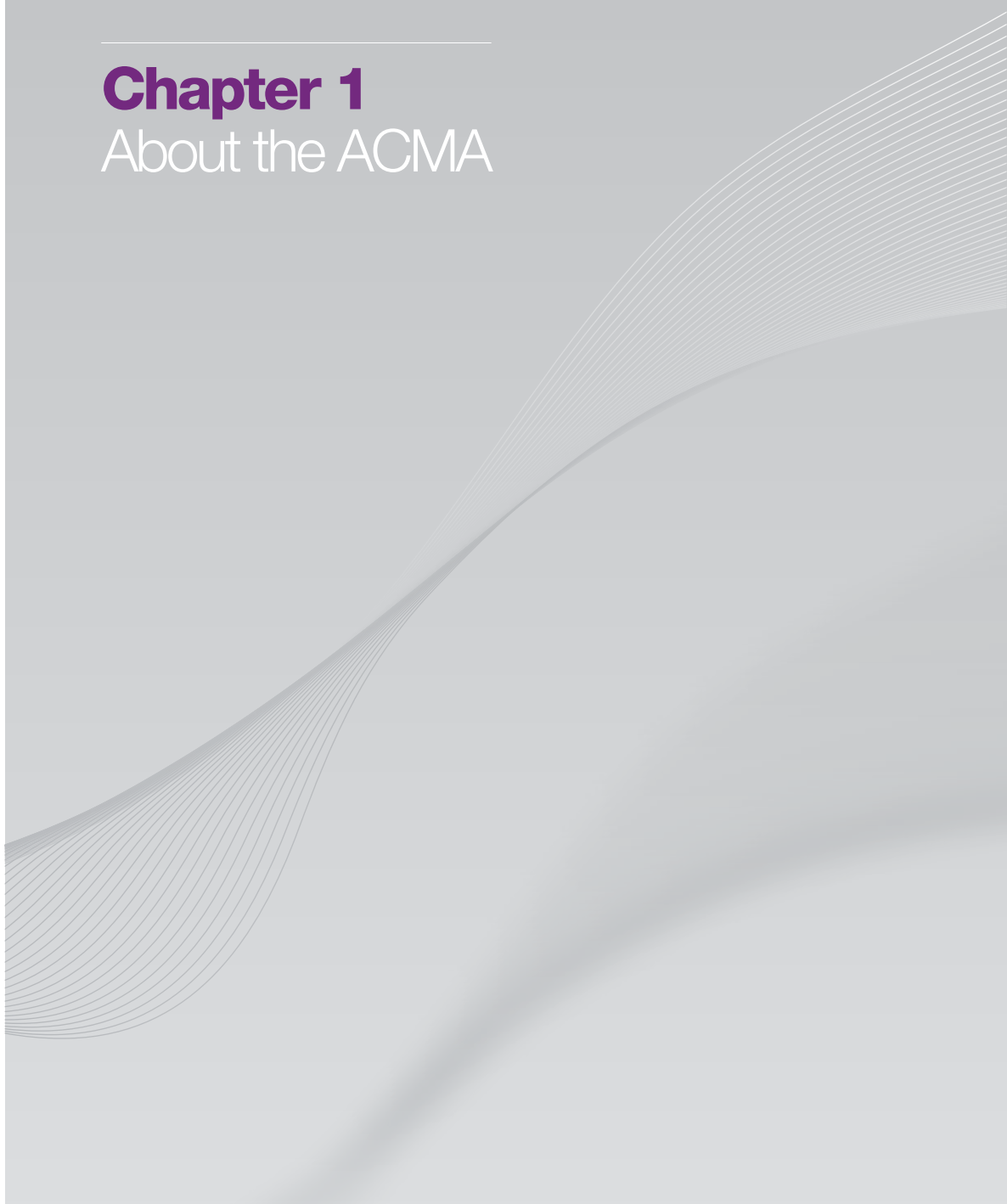
### *Spectrum Tune-ups*

In 2010–11, the ACMA held one Spectrum Tune-up in Sydney that focused on digital dividend issues. These events provide direct interaction with radiocommunications stakeholders and target specific radiocommunication professionals on topical matters of interest.

---

# **Chapter 1**

## About the ACMA



Chapter 1 details the functions, structure and corporate governance that enable the ACMA to perform its role, administer regulations and legislation, and deliver its services.

## Functions and responsibilities

---

The Australian Communications and Media Authority (the ACMA) is a statutory authority within the federal government portfolio of Broadband, Communications and the Digital Economy. Senator the Hon. Stephen Conroy is the minister responsible for the portfolio. The ACMA is responsible for the regulation of broadcasting, the internet, radiocommunications and telecommunications.

In accordance with the relevant legislation, the ACMA's specific responsibilities include:

- > regulating telecommunications and broadcasting services, internet content and datacasting services
- > managing access to radiofrequency spectrum bands through radiocommunications licence arrangements, and resolving competing demands for that spectrum through price-based allocation methods
- > planning the availability of segments of radiofrequency spectrum bands used by broadcasting services, and managing access to that spectrum through broadcasting licence arrangements
- > regulating compliance with the relevant legislation, licence conditions, codes of practice, standards, service guarantees and other safeguards
- > promoting and facilitating industry self-regulatory and co-regulation solutions to emerging issues
- > where necessary, exercising powers to create legislative and other instruments, often in the form of standards or service provider rules
- > facilitating the provision of community information to promote informed decisions about communications products and services
- > reporting on matters relating to the communications industry, including its performance
- > representing Australia's communications interests internationally
- > advising the government on specific matters from time to time.

## Structure

---

### The Authority

At 30 June 2011, the Authority comprised the Chairman, Deputy Chair, one full-time Member, five part-time Members and one Associate Member (see Table 1).<sup>1</sup>

---

#### About the Authority



##### **Chairman and Chief Executive Officer: Chris Chapman**

*Appointed 27 February 2006 for five years*

*Reappointed 14 October 2010 for five years*

Chris Chapman commenced as the inaugural Chairman and CEO of the ACMA in February 2006. He was also appointed an Associate Member of the Australian Competition and Consumer Commission (ACCC) in September 2007.

Mr Chapman has had an extensive career including leadership roles in the media; broadcasting and film; internet, telecommunications and internet business; and the sports and infrastructure sectors. Before joining the ACMA, Mr Chapman held a number of senior management positions with Babcock & Brown, Optus, Stadium Australia Management and the Seven Network. Mr Chapman has also been the Chairman of Film Australia and SportsVision Australia, and a previous member of the National Film and Sound Archive's Advisory Council.

Mr Chapman has a Bachelor of Laws and a Bachelor of Commerce from the University of New South Wales, and has completed the Harvard Business School Advanced Management Program (AMP).

---



##### **Deputy Chair: Richard Bean**

*Appointed 14 October 2010 for five years*

During his career, Richard Bean has worked in a variety of senior roles in Australia's media and communications industries.

Before joining the ACMA he oversaw the legal and regulatory affairs and human resources functions at Unwired, the wireless broadband infrastructure owner and ISP.

He had previously held positions responsible for the legal and business affairs side of Network Ten's programming activities, and practised as a commercial, media and litigation lawyer at national commercial law firm Blake Dawson. Prior to that, Mr Bean worked in program administration and policy development in a number of Australian Government organisations.

Mr Bean holds an honours degree in Literature and Philosophy from the University of Sydney and a law degree from the University of New South Wales.

---

<sup>1</sup> Jennifer McNeill granted a leave of absence from 11 May to 11 December 2011 to take up the role of Acting General Manager, Content, Consumer and Citizen Division of the ACMA.



**Full-time Member: Chris Cheah**

*Appointed 1 July 2005 for four years*

*Reappointed from 1 July 2009 for five years*

Chris Cheah was previously head of the Telecommunications Division of the then Department of Communications, Information Technology and the Arts (now Department of Broadband, Communications and the Digital Economy), advising the government on telecommunications issues. He has also managed accessibility funding programs and held positions with Austel and Telstra. Mr Cheah was Acting Deputy Chair from July to November 2008, while Lyn Maddock was on secondment, and from February to June 2009 after Ms Maddock left the ACMA. He continued as Acting Deputy Chair during 2009–10.

---



**Part-time Member: Rod Shogren**

*Appointed 1 July 2005 for three years*

*Reappointed 1 July 2008 for three years, extended pursuant to the Reconnecting the Customer public inquiry*

Rod Shogren is a former Commissioner with the ACCC, with a role in telecommunications regulation. Mr Shogren has held a number of senior positions within the public sector.

---



**Part-time Member: Jennifer McNeill**

*Appointed 1 July 2008 for five years*

*Granted a leave of absence from 11 May to 11 December 2011 to take up the role of Acting General Manager, Content, Consumer and Citizen Division, ACMA*

Jennifer McNeill, whose areas of expertise include competition and regulatory law, and consumer protection and litigation, brings a strong regulatory and consumer perspective to the ACMA. From 2002 to 2007, she was a Commissioner at the ACCC, including a term as Commissioner with primary responsibility for consumer protection.

---



**Part-time Member: Geoff Luther**

*Appointed 1 July 2008 for five years*

Geoff Luther resigned from the ACMA with effect from 30 April 2011.

---



**Part-time Member: Emeritus Professor Reg Coutts**

*Appointed 14 October 2010 for five years*

Reg Coutts has over 30 years experience in the Australian telecommunications industry, including 18 years at Telstra, moving through the research laboratories to become the director of strategy in the early mobile communications business.

Mr Coutts moved to academia in 1993 as the inaugural Professor of Telecommunications at the University of Adelaide where his multidisciplinary team worked with industry both in Australia and overseas during the first wave of spectrum management reform. Currently, Mr Coutts consults to business and government, and chairs a new technology venture company.

Mr Coutts was educated as an engineer and is a graduate of the Australian Institute of Company Directors (AICD). He is actively involved in developing the ICT profession and is a Director of the Telecommunications Board of the Australian Computer Society (ACS) (formerly known as the Telecommunications Society of Australia (TSA)).

---



**Part-time Member: Louise Benjamin**

*Appointed 14 October 2010 for five years*

Louise Benjamin has extensive experience in media and telecommunications, from both a regulatory and executive perspective. Prior to joining the ACMA, Miss Benjamin held senior strategy positions with News Ltd and FOXTEL. She was a competition law partner at Allens Arthur Robinson from 1995–2004 and the national Chair of the Law Council of Australia's Trade Practices Committee, which plays a significant role in competition law policy. She has also served as Deputy Chair of the Australian Publishers' Bureau.

Miss Benjamin holds Bachelor of Arts, Bachelor of Laws and Master of Laws from the University of Sydney.

---



**Part-time Member: Hugh Marks**

*Appointed 14 October 2010 for five years*

Hugh Marks has held a number of senior management positions in the television broadcasting and content production industries through his roles with the Nine Network and most recently as CEO of production and distribution business Southern Star.

In addition to his responsibilities with the ACMA, Mr Marks currently runs his own media production and advisory business, specialising in content production, financing and management. In this capacity, he works with a number of businesses that operate generally in the content industries and has board memberships with a couple of small independent content producers.

---



**Associate Member: Graeme Samuel**

*Appointed 9 September 2007 for five years*

Graeme Samuel is Chairman of the ACCC. His previous positions include President of the National Competition Council and Chairman of the Melbourne and Olympic Parks Trust. He was also a Commissioner of the Australian Football League. In 1998, Mr Samuel was appointed an Officer in the General Division of the Order of Australia.

## Corporate structure

The ACMA's day-to-day activities are managed by an executive team comprising the Chairman, the Deputy Chair, the full-time Member, six general managers and 16 executive managers. The ACMA's corporate structure at 30 June 2011 is set out in Figure 1.

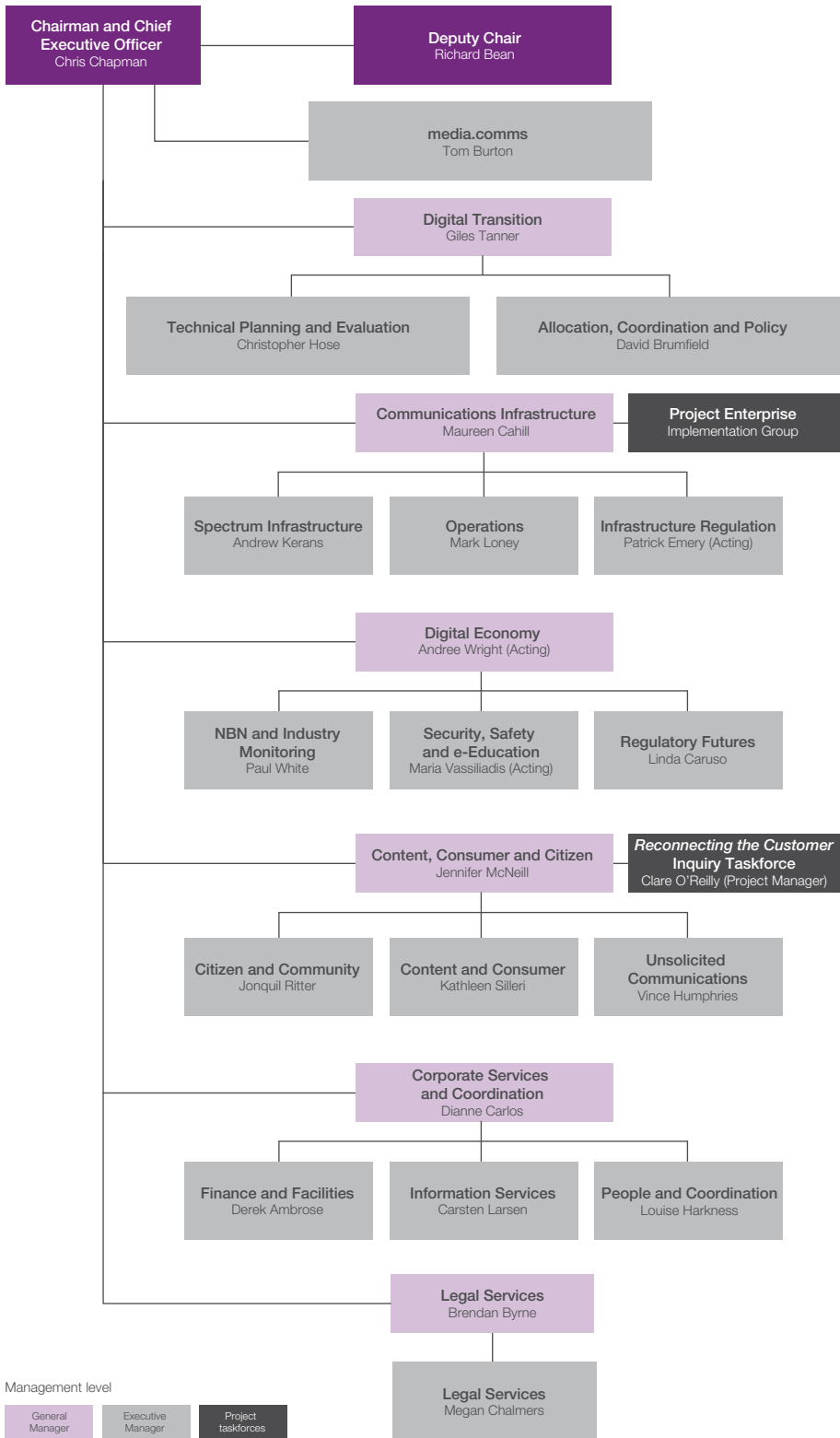
At 30 June 2011, the ACMA employed 659 staff under the *Public Service Act 1999*, most of whom are located in the ACMA's offices in Canberra, Melbourne and Sydney. The ACMA also has field offices in Brisbane and Hobart.

The ACMA will continue to provide service within acceptable time frames to all areas of Australia by utilising field staff from the ACMA's Melbourne, Sydney, Canberra, Brisbane and Hobart offices. Contact details for offices are provided in Appendix 1. Detailed information about the ACMA's staff is provided in Appendix 3.

**Table 1: The Authority membership, 30 June 2011**

Role	Name	Appointment date
Chairman and Chief Executive Officer	Chris Chapman	27 February 2006 for five years Reappointed from 14 October 2010 for five years
Deputy Chair	Richard Bean	14 October 2010 for five years
Full-time Member	Chris Cheah	1 July 2005 for four years Reappointed from 1 July 2009 for five years
Part-time Member	Rod Shogren	1 July 2005 for three years Reappointed from 1 July 2008 for three years and extended pursuant to the <i>Reconnecting the Customer</i> inquiry
Part-time Member	Jennifer McNeill	1 July 2008 for five years Granted a leave of absence from 11 May to 11 December 2011
Part-time Member	Geoff Luther	1 July 2008 for five years Resigned with effect from 30 April 2011
Part-time Member	Reg Coutts	14 October 2010 for five years
Part-time Member	Louise Benjamin	14 October 2010 for five years
Part-time Member	Hugh Marks	14 October 2010 for five years
Associate Member	Graeme Samuel	9 September 2007 for five years

Figure 1: Corporate structure of the ACMA as at 30 June 2011





## Revenue collection

The ACMA collects revenue on behalf of the Australian Government through broadcasting, radiocommunications and telecommunications taxes, charges and licence fees. It also administers non-regular revenue from spectrum auctions.

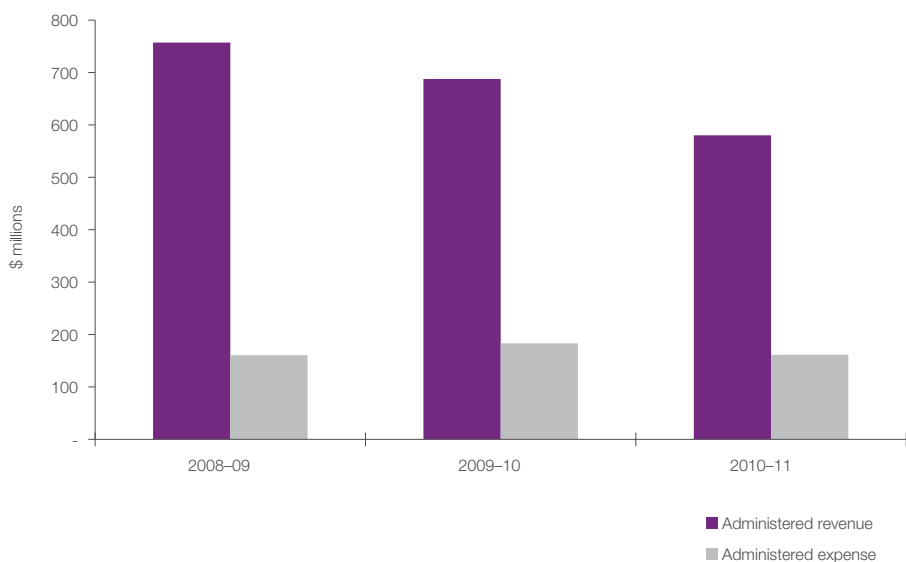
In 2010–11 the ACMA administered \$580.135 million of revenue (2009–10: \$687.683 million) and \$161.389 million of expense (2009–10: \$183.257 million) on behalf of the government (see Figure 2).

## Governance

The ACMA's regulatory functions and responsibilities are set out in Part 2, Division 2 of the *Australian Communications and Media Authority Act 2005* (the ACMA Act). In addition, the ACMA is also regulated by the *Financial Management and Accountability Act 1997*, where responsibility for governance and management of the ACMA resides with the Chairman as the Chief Executive Officer. The ACMA Chairman is also the head of the ACMA for the purposes of the Public Service Act and has the rights, duties and powers of an employer for Australian Public Service employees in the ACMA.

The ACMA Audit Committee provides independent advice to the Chairman on the ACMA's risk, control and compliance framework, as well as its external accountability responsibilities. The committee also provides a forum for communication between senior management and the internal auditor (Oakton) and the external auditor (Australian National Audit Office). During 2010–11, the Audit Committee continued to look at key corporate processes. Its work also included a number of performance audits on a range of line area functions.

Figure 2: Revenues and expenses administered on behalf of government



The ACMA also has a number of other high-level committees overseeing finance, compliance and enforcement, human resources and information technology.

Throughout 2010–11, the ACMA's Executive Group assisted the Chairman in his role as the Chief Executive Officer of the ACMA, by providing assistance on issues of high-level corporate or strategic significance to the ACMA's authority. The Executive Group comprised the Chairman, Deputy Chairman, full-time Member and six general managers. Additional information about corporate governance—audit, security and risk management—is detailed in Chapter 4.

## Strategic and business planning

---

### Strategic planning

In 2010–11, the ACMA's strategic planning addressed the 2010–15 planning horizon to enable delivery of the agency's:

- > strategic directions to assist with business planning, budgeting and performance management
- > Portfolio Budget Statements
- > corporate plan
- > annual operating plan.

This approach is designed to ensure that the agency works to commonly understood and agreed strategic priorities that are directed towards the delivery of the ACMA's Outcomes and Programs set out in the Portfolio Budget Statements.

### Corporate plan

The ACMA corporate plan is a high-level document which the agency is required to prepare and submit to the minister each year under Section 56 of the *Australian Communications Media Authority Act 2005*. The plan covers three years and identifies the ACMA's objectives, and the strategies and policies that the agency will implement to achieve these objectives.

The current plan covers 2011–13 and is available on the ACMA website.

### Operating plan

The ACMA's annual operating plan is an externally focused document which identifies the key strategic activities the ACMA will focus on over the course of the planning year. It sets out detail about the work program that ACMA is continuing to undertake to further these strategic activities.

The current plan covers 2011 and is available on the ACMA website.

## Business planning

Through its annual business planning process, the ACMA plans activities for the coming year at a section, branch and divisional level, ensuring that these activities:

- > contribute to the ACMA's outcomes and programs as set out in the Portfolio Budget Statements
- > align with the agency's strategic directions derived from the strategic planning process and set out in the corporate plan
- > contribute to the achievement of the ACMA's objectives at section, branch, divisional and organisational levels.

Business planning also provides the basis for internal budgeting decisions at section, branch, divisional and agency levels.

The ACMA's sections, branches and divisions report monthly to the Chairman against the key activities, key performance indicators and priorities set out in their business plans.

---

## **Chapter 2**

### Regulatory environment

An abstract graphic consisting of numerous thin, light gray lines that flow and curve across the page, creating a sense of movement and depth. The lines originate from the left side and fan out towards the right, with some lines curving upwards and others downwards, creating a dynamic, organic shape.

Chapter 2 reflects the ACMA's key result areas related to:

- > **Outcome 1:** A communications and media environment that balances the needs of the industry and the Australian community through regulation, education and advice
- > **Program 1.1:** Communications regulation, planning and licensing.

The ACMA's responses to the performance information listed below for Program 1.1 can be found throughout the chapter.

#### Program 1.1: Communications regulation, planning and licensing

##### Program 1.1 Key performance indicators

- > An effective regulatory environment that supports a dynamic communications sector and enables industry to meet the communications needs of the community.
- > Efficient planning, allocation and use of national resources such as radiofrequency spectrum, telecommunications numbering and infrastructure.
- > Industry contributes to, and complies with, the regulatory framework without being subject to undue financial or administrative burden.
- > Levels of industry compliance with the regulatory framework as assessed by breaches and recurrent breaches of legislation, codes, standards and licence conditions.
- > The cost of ACMA's regulatory activities is minimised to the extent possible.

##### Program 1.1 Deliverables

- > Government revenue targets met in the collection of annual numbering charges.
- > Applications for an opinion on control or temporary approval of a breach of the *Broadcasting Services Act 1992* (BSA) dealt with within applicable timeframes.
- > Annual identification and publication of primary issues facing key radiocommunications services, and methods the ACMA proposes to use to manage these issues.
- > Greater marketplace contestability in frequency assignments.
- > Increased proportion of spectrum licensed through class and spectrum licensing.
- > The proportion of licensing and numbering transaction applications dealt with within applicable timeframes.
- > The proportion of online content, Do Not Call Register and broadcasting code complaints dealt with within applicable timeframes.
- > Price-based allocations of spectrum completed within statutory timeframes.
- > Evaluate digital transmission reception to assess whether digital television has the same coverage as current analog services.
- > Review community broadcasting licence allocation and renewal processes.

## Regulatory functions

---

As the regulator for broadcasting, the internet, radiocommunications and telecommunications, the ACMA's responsibilities include promoting self- and co-regulation and competition in the communications industry while protecting consumers and other users, fostering an environment in which electronic media respect community standards and respond to audience and user needs, managing access to the radiofrequency spectrum, and representing Australia's communications interests internationally.

The ACMA's regulatory functions are set out in Part 2, Division 2 of the *Australian Communications and Media Authority Act 2005*.

### The ACMA's responses to convergence and regulatory pressures

Under the ACMA Act, one of the ACMA's functions is to inform itself and advise the Minister for Broadband, Communications and the Digital Economy about technological advances and service trends in the broadcasting, internet and datacasting industries.

Another of its functions is to report to and advise the minister about the telecommunications industry and matters affecting consumers of carriage services. The ACMA also monitors and reports to the minister on the operation of a number of Acts he administers, as specified in sections 8, 9 and 10 of the ACMA Act. The ACMA continues to monitor and research the rapidly changing communications and media environment to support these functions.

The ACMA's analysis of convergence and regulatory pressure (which is a component of its monitoring and research activity) is becoming an increasingly important input to the ACMA's regulatory development activity. Since its formation in 2005, the ACMA has adopted a multi-dimensional approach to address the impact of convergence and other changes in the policy environment on the effectiveness, efficiency and appropriateness of regulatory settings under the existing legislative framework.

The ACMA will continue to respond to the regulatory issues convergence raises, in order to facilitate the effectiveness, efficiency and appropriateness of regulatory settings.

## Ownership and control

---

The ACMA monitors and investigates broadcasting industry compliance with the media diversity and media control rules, and takes enforcement action where appropriate.

Its monitoring role includes handling applications for prior approval of temporary breaches of control rules and opinions on control arrangements for a given company under divisions 1, 2, 3, 5 and 5A of Part 5 of the BSA. The ACMA also maintains the Register of Controlled Media Groups (RCMG) and Associated Newspaper Register, along with an interactive media control database.

### Register of Controlled Media Groups

The RCMG is a core component of the ownership and control rules. It provides information to industry and the community on the existence of registrable media groups in licence areas across Australia. The RCMG lists the media groups in each commercial radio licence area, the media operations that form part of each group and the controllers of those operations.

### Updates to the RCMG

During 2010–11, the ACMA continued to keep the RCMG and associated media databases up-to-date and publicly available.

The ACMA updates the RCMG when it is notified of relevant changes in control.

Commercial television and radio licensees, and publishers of newspapers associated with a licence area must notify the ACMA of any changes in control within five days of becoming aware of those changes. Similar obligations apply to persons who come into a position to exercise control of such licences and associated newspapers.

Unless a transaction creating a new group results in an unacceptable media diversity situation<sup>2</sup> or an unacceptable three-way control situation<sup>3</sup>, the ACMA updates the RCMG with an unconfirmed entry within two days of receiving notification.

No new unacceptable media diversity situations arose during the reporting period. At 30 June 2011, there were no licence areas where an unacceptable three-way control situation existed.

The ACMA then reviews and confirms or cancels the unconfirmed entry within 28 days. Similar requirements apply to the removal and alteration of entries.

### **Associated Newspaper Register**

Under section 59 of the BSA, the ACMA is required to maintain a public register of newspapers that are 'associated' with commercial radio or television broadcasting licence areas.

The register is available on the ACMA website.

### **Interactive media control database**

In March 2010, the ACMA launched its interactive media control database, available on its website. The database enables the public to search across six categories—state, radio licence area, controller, network, licence and associated newspaper.

The database contains the details in the RCMG, information about ungrouped or independently owned media operations and a guide to the number of points in each radio licence area. Like the RCMG, the information in the database is based primarily on notifications received from licensees and publishers, and their controllers (see *Notifications of changes in control* and *Annual notifications* below).

## **Compliance with ownership and control provisions**

### **Notifications of changes in control**

The ACMA received notifications as a result of 13 transactions that affected the control of media operations during the reporting period. Most of these transactions affected a number of media operations and one transaction affected two different types of media operations (both newspapers and commercial radio licences). These notifications of change of control affected:

- > 42 commercial radio broadcasting licences
- > 47 commercial television broadcasting licences
- > nine associated newspapers.

The ACMA amended the notifications registers and the RCMG to reflect these changes, making the information publicly available.

### **Annual notifications**

By 30 September each year, commercial television and radio licensees, and the publishers of the newspapers listed in the ACMA's Associated Newspaper Register must provide the ACMA with a list of all persons in a position to exercise control of the licence or newspaper as at 30 June of that year.

For the second year running, the licensees of all 324 commercial broadcasting licences and publishers of all 46 associated newspapers lodged their annual returns on time. The information provided in the annual returns is used to monitor the ownership of media operations and is reflected in the media control database and the RCMG.

### **Enforcement for failure to comply with notification provisions**

Under Part 14E of the BSA, an authorised infringement notice officer can issue a formal warning (under section 205XA) and this may be followed by an infringement notice (under section 205Y) where the officer has reasonable grounds to believe that a person has contravened a notification provision (section 62, 63 or 64).

2 An unacceptable media diversity situation arises where there are fewer than five points in any metropolitan licence area or fewer than four points in any regional licence area. In general, each registrable media group constitutes one point, as does each separate media operation that is not part of a registrable media group.

3 An unacceptable three-way control situation exists if a person is in a position to exercise control of a commercial television licence, a commercial radio licence and an associated newspaper in the one radio licence area.

The penalty specified in an infringement notice must be \$6,600 if the addressee of the notice is a commercial television broadcasting licensee; otherwise, the penalty specified in a notice must be \$1,100.

Most of the notifications lodged with the ACMA for change of control events that occurred in the reporting period were lodged within statutory time limits. During the reporting period, 16 formal warnings and three infringement notices were given for late notifications of changes in control.

### Notices

Under sections 61AN, 61ANA and 70 of the BSA, if the ACMA is satisfied that there is an unacceptable media diversity situation or an unacceptable three-way control situation, or that a person is in breach of the ownership and control rules, it may, by notice in writing, direct a person or, in some cases, the licensee, to take action so that the situation ceases to exist or the person is no longer in breach.

No notices were issued during the reporting year.

### Applications for prior approval

During the reporting period, the ACMA approved two applications for prior approval of temporary breaches under section 67. They were finalised within the allowed statutory period. Details of temporary breaches approved by the ACMA are provided in the Register of Notices and Approvals under Part 5 of the Act, available on the ACMA website.

On 25 March 2011, the ACMA, under section 67 of the BSA, approved breaches of sections 54 and 56 by Southern Cross Media Group Limited (SCMG) and related companies, and their directors that arose when SCMG acquired Austereo Group Limited.

The breaches arose because section 54 provides that a person must not be in a position to exercise control of more than two commercial radio licences in a licence area. Related restrictions apply to directorships under section 56.

The acquisition gave SCMG control of Triple M/4MMM and B105 FM/4BBB in the Brisbane RA1 licence area. At that time, SCMG was also in a position to exercise control of Sea FM/4SEE and MIXFM 103.5/4SSS in the Nambour RA1 licence area. SCMG is now in a position to exercise control of four commercial radio licences in the combined Brisbane RA1/Nambour RA1 licence area.<sup>4</sup>

The approval from the ACMA requires that action be taken to ensure the breaches cease within one year. The ACMA also accepted an enforceable undertaking from SCMG and related companies to divest two of the radio network's commercial radio licences within the one-year approval period so as to rectify the breaches. The undertaking is published on the ACMA website.

A further prior approval application was made that related to the appointment of Ms Diane Grady to the boards of Macquarie Group Ltd and Macquarie Bank Ltd. Both these companies were controllers of SCMG, which from 25 March 2011 was in a position to control more than two commercial radio licences in the combined Brisbane RA1/Nambour RA1 licence area. Accordingly, any appointment to those boards would be in breach of section 56 of the BSA, referred to above. On 27 April 2011, the ACMA gave Ms Grady temporary approval to breach section 56 of the BSA for a one-year period.

### Directorship breaches

During the reporting period, the ACMA detected that Mr Lachlan Murdoch and Ms Siobhan McKenna, directors of companies that controlled two commercial radio licences in the Brisbane RA1 licence area, were also directors of Prime Media Group Limited (Prime), which controlled two commercial radio licences in the overlapping licence area of Nambour RA1, in contravention of the rules in section 56 of the BSA.<sup>5</sup>

4 Under the Act, the overlapping Brisbane and Nambour commercial radio broadcasting licence areas are treated as a single licence area for the purposes of sections 54 and 56 because more than 30 per cent of the Nambour RA1 licence area population is attributable to an area that overlaps with the Brisbane RA1 licence area.

5 Section 56 prohibits a person from being a director (or a director and controller) of companies that are in a position to exercise control of more than two commercial radio licences in a licence area.



The ACMA investigated the breaches and published its findings on 14 January 2011. It decided to take no further action over these breaches, noting the particular facts of the matters (including the overlap complexities between the Brisbane RA1 and Nambour RA1 licence areas), and Mr Murdoch's and Ms McKenna's resignations and cooperation in the matters. Following the ACMA's findings, companies in the Illyria group advised that they had implemented revised procedures to ensure that in the future appropriate consideration is given to the radio directorship limits before new directors are appointed to their boards.

#### **Provisions of opinions on control**

Under section 74 of the BSA, an applicant can request that the ACMA give an opinion on whether a person is in a position to control a licence, newspaper or company. The ACMA did not receive any requests for such opinions during the reporting period.

### **Local content**

#### **Regional television**

The following regional commercial television broadcasting licensees in Queensland, New South Wales, Victoria and Tasmania must broadcast minimum amounts of material of local significance (local content) as a result of an additional licence condition imposed on them:

- > Seven Qld, Southern Cross and WIN TV in regional Queensland
- > NBN Ltd, Prime Television and Southern Cross in northern New South Wales
- > Prime Television, Southern Cross and WIN TV in southern New South Wales
- > Prime Television, Southern Cross and WIN TV in regional Victoria
- > Southern Cross, WIN TV and Southern Cross/WIN joint venture in Tasmania.

The minimum amount of local content is at least 720 points per six-week period, with a minimum 90 points per week. Points accrue on the basis of two points per minute for local news, and one point per minute for other local content material, excluding paid advertising.

Based on figures provided to the ACMA by the licensees subject to the condition under a self-reporting scheme, all licensees met the quota requirements for the 2010 calendar year.

### **Regional radio**

#### **Local content—all regional commercial radio broadcasting licensees**

Under the Broadcasting Services (Additional Regional Commercial Radio Licence Condition – Material of Local Significance) Notice 19 December 2007 (local content licence condition), which commenced on 1 January 2008, all regional commercial radio licensees must broadcast material of local significance between 5.00 am and 8.00 pm on business days in the following amounts:

- > five minutes for remote area service licences and racing service licences
- > 30 minutes for section 40 and small licences
- > three hours for other regional commercial radio licences.

Annual reports on compliance with the local content licence condition are due by 30 September each year.

According to licensees' annual reports for the period from 1 July 2009 to 30 June 2010, all regional commercial radio broadcasting licensees broadcast the required amount of material of local significance, with the exception of one licensee. The licensee's radio station was off the air during the period due to technical issues.

#### **Local content and presence obligations due to a trigger event**

Since April 2007, licences affected by a trigger event (as defined in the BSA) must comply with the Broadcasting Services (Additional Regional Commercial Radio Licence Condition – Local Presence) Notice 22 March 2007, and with statutory minimum service standards for local news and information.

Draft local content plans must be given to the ACMA within 90 days of a trigger event and annual compliance reports are due by 30 September each year. Local content plans approved by the ACMA are kept on an electronic register available on the ACMA website. There were 90 licensees affected by trigger events as at 30 June 2011.

A trigger event is:

- > the transfer of a regional commercial radio broadcasting licence
- > the formation of a new registrable media group where a regional commercial radio broadcasting licence is in the group

- > a change of controller of a registrable media group where a regional commercial radio broadcasting licence is in the group.

The ACMA's compliance strategy is based on mandatory reporting, sample audits of compliance and complaints. As the electronic register of approved local content plans is available on the ACMA website, performance against obligations is transparent, enabling the public as well as the ACMA to consider compliance issues.

In March 2010, the ACMA commenced an investigation to audit whether regional radio licensees complied with the minimum service standards for local news and information, during a sample week (14 to 20 March 2010).

Six licensees—selected to provide representation across licence areas, licences and networks—were audited for compliance with the minimum service standards (local news and information). The ACMA found that, during the sample week, three of the six licensees met the minimum service standards and the other three did not. One non-compliant licensee, 5AU Broadcasting Pty Ltd (5RM, Riverland) fell significantly short of the minimum local news requirements on each day during the sample week and the breach appeared to result from a systemic problem.

5AU Broadcasting Pty Ltd has offered an enforceable undertaking to the ACMA. The undertaking contains a number of measures to ensure future compliance.

For the other two non-compliant licensees, Resonate Broadcasting Pty Ltd (3GG, Warragul) and Radio 4HI Pty Ltd (4HI, Emerald), the ACMA agreed on compliance measures to be undertaken by each of them to ensure that adequate processes and procedures were put in place to address compliance. The ACMA adopted this approach in recognition of the unique circumstances occurring during the sample week, which resulted in the licensees' failure to meet the local news requirements.

The ACMA did not receive any complaints about local content obligations during the reporting period.

See also *Compliance investigations* on page 86.

## Broadcasting Financial Results

The ACMA asks commercial television and radio licensees to submit details of their financial performance each year. Licensees provide information on revenue, expenses, profits, assets and liabilities for each of their broadcasting services. The information has been aggregated and published as Broadcasting Financial Results (BFR) since 1987–88.

Details on the 2008–09 financial performance of the 273 commercial radio and 55 commercial television licensees in metropolitan and regional Australia were released in July 2010 and are available in *Broadcasting Financial Results 2008–09*. The 2009–10 BFR is expected to be released in October 2011.

Production of the BFR is a discretionary activity not required by law and remains under review in light of a tightening budget position.

## Digital broadcasting

---

### Digital television

On 19 October 2008, the minister released a timetable for the switchover to digital television. The first area where analog free-to-air television signals were switched off was the Mildura/Sunraysia licence area in north-west Victoria, on 30 June 2010. Regional South Australian and Victorian licence areas followed on 15 December 2010 and 5 May 2011 respectively. Licence areas in regional Queensland are scheduled to switchover on 6 December 2011. The rest of Australia is to follow a rolling timetable with the last areas to be switched off by 31 December 2013.

The completion of switchover will mean the end of all free-to-air analog television broadcasting. The transition to digital means viewers will need to use digital receiving equipment to receive free-to-air broadcast television. As the regulator responsible for spectrum management and broadcasting, the ACMA has a number of responsibilities related to the digital switchover. The ACMA worked closely with the Digital Switchover Taskforce and related areas of the Department of Broadband, Communications and the Digital Economy (DBCDE) during 2010–11, providing technical and regulatory advice and information on television coverage.

The ACMA also has regulatory responsibilities relating to the rollout of commercial television broadcasting services in digital mode in remote licence areas. In 2010–11, the ACMA determined the digital television commencement date for the final three remote licence areas:

- > Remote Central and Eastern Australia TV1
- > Remote Central and Eastern Australia TV2
- > Mt Isa TV1.

The digital television commencement date, determined to be 2 May 2011, marks the start of the simulcast period in a licence area.

The ACMA allocated new digital-only commercial television broadcasting licences in Mt Gambier, Riverland and Spencer Gulf in South Australia, and Broken Hill and Griffith in New South Wales. These licences, issued under section 38B of the BSA, are additional licences issued in what were two-station markets. The licence allocation, to the existing licensees, will allow viewers in these markets to be provided with services equivalent to metropolitan areas.

The ACMA also allocated three commercial television broadcasting licences to provide satellite-delivered commercial television broadcasting services across eastern Australia as part of the Viewer Access Satellite Television (VAST) service (see also *Viewer Access Satellite Television (VAST) service* on page 44).

In September 2010, the ACMA authorised trials of high definition 3D television services in Sydney, Newcastle, Melbourne, Brisbane, Adelaide and Perth. These short-term trials were conducted by the Nine and Seven networks using currently unassigned digital television channels, and followed previous 3D TV trials conducted between May and July 2010. In September 2010, the ACMA released a discussion paper, *Temporary trials of 3D TV and other emerging technologies*, to assist in its review of the use of these unassigned channels. In February 2011, the ACMA announced that it would continue to consider applications for temporary use of these channels for trials of evolving technologies in the period until the end of 2011, at which time it will again review its approach as the requirements for the restacking of existing television channels become clearer.

For information about standards and codes for digital television, electronic program guides and the digital television parental lock standard, see page 82.

### Television channel planning and restack

Following discussions with the government, in early 2010 regional broadcasters committed to rolling out additional digital transmitters to fill in coverage gaps and to convert to digital about 100 analog retransmission facilities licensed to third parties, such as local councils. Approximately 65 of these facilities were planned during 2010–11 and approximately 35 commenced operation in Victoria and Queensland over the same period.

In July 2010, the Minister for Broadband, Communications and the Digital Economy directed the ACMA on a range of issues related to the replanning of digital television to yield the 126 MHz of digital dividend. This process of clearing digital television services from the digital dividend band is known as the restack. The minister's direction settled several of the key high-level restack objectives and some of the detailed planning principles to be applied. However, a number of important restack matters were left to the ACMA to determine. These issues needed to be settled, and a clear and unambiguous set of guiding principles developed, before the ACMA's replanning of digital television channels could commence.

The ACMA released the discussion paper *Clearing the digital dividend: Planning objectives and principles for restacking digital television channels* in February 2011, seeking comments on its proposed restack planning principles. The primary role of the discussion paper was to consult on a proposed set of planning principles that will pave the way for restack channel plans to be developed in order to clear the digital dividend, and to test some of the ACMA's key assumptions underlying its preliminary view on the choice of the channel planning approach to be used.

By far the most complex and important issue requiring resolution prior to developing the restack planning principles was the overall approach to planning. Two main candidate planning approaches were identified and considered in detail—termed the 'block' and 'minimum moves' planning approaches.

The block planning approach takes a green fields approach to channel allotments for each transmission site, placing all services at a site in one of five blocks of six contiguous channels.<sup>6</sup>

The alternative is the minimum moves approach, which aims to minimise the number of channel moves by only changing the channel allotments where absolutely necessary. A necessary move is either one where the current channel is in the digital dividend band or a consequential move to make way for another service to move.

The discussion paper compared these planning approaches in detail, evaluating each against the proposed restack planning objectives and, in particular, the key issues of cost (including to broadcasters and viewers) and viewer disruption, timing implications for completion of the restack and long-term benefits.

To test the feasibility of both planning approaches and compare their costs and timing implications, the ACMA prepared channel plans using the two planning approaches for Queensland and adjacent areas. Queensland was chosen as it contains the most congested part of the country for television channel planning (Brisbane and the south-east corner) and represents a large enough sample of sites to allow useful conclusions to be drawn about how the approaches would compare nationally.

Four reports were released in conjunction with the discussion paper—three of these were prepared by the ACMA's broadcast planning engineers and one by a consultant commissioned by the ACMA. These reports were developed in order to compare and evaluate the alternative planning approaches.

Having considered the updated analyses of planning approaches and implementation methods, and the 17 submissions received in response to the discussion paper, the ACMA decided that a 'block' planning approach should be adopted. The adoption of this approach is reflected in the planning principles set out in the decision paper published by the ACMA on 26 May 2011.

With the restack planning principles decided, the ACMA, in collaboration with industry, will progress the development of detailed channel plans necessary for the implementation of restack and the clearing of the digital dividend for reallocation.

See also *Digital channel plans and variations* on page 64 and *Digital television standards and codes* on page 82.

<sup>6</sup> In the UHF band, all blocks have six contiguous channels. In the VHF band, the six channels are spread across the eight channels in VHF Band III.

### Signal measurement and field analysis

The multifaceted television coverage evaluation program (CEP) continued in 2010–11. This program contributes to identifying transmission infrastructure issues that would otherwise prevent the transmission of digital television broadcasting from achieving a number of policy objectives outlined under Part 2 of Schedule 4 of the BSA. As part of the planning process, the ACMA requires broadcasters to identify any potential transmission issues that may need to be addressed in order to comply with obligations relating to the stated conversion objectives. The ACMA also has regular and ongoing dialogue with engineers from the commercial and national broadcasters and their infrastructure providers in various professional forums.

The ACMA has an active measurement program to support the CEP. The measurement program has the capacity to identify coverage issues including areas where potential reception difficulties may be experienced. As at 30 June 2010, the ACMA has taken more than 88,000 measurements at more than 12,000 locations across Australia. These measurements will provide detailed information about the performance of digital television under a variety of conditions and will go in part to informing various government-administered programs and initiatives relating to digital television.

Information from the CEP will help to inform implementation of the VAST service, including access and subsidy arrangements for those households unable to receive terrestrial digital television. The CEP also provides information critical to the DST MySwitch website, which is intended to enable households to enquire about their ability to receive digital television coverage and channels as well as inform various assistance schemes related to the implementation of digital television.

The ACMA has reported on areas with potential reception difficulties as part of the government's statutory reporting on digital television coverage, and will continue to report specific areas of deficient reception identified through the CEP and associated measurement program. This reporting also includes information on the submission of broadcaster implementation plans and rollout of digital services. The CEP has so far surveyed and delivered advice to government on coverage matters in the Mildura, regional South Australian, Victorian, Queensland and southern New South Wales switchover areas. Surveys and reporting for subsequent switchover areas will continue through 2011–12.

### Report on digital television transmission and reception

The ACMA contributes to reports tabled by the Minister for Broadband, Communications and the Digital Economy as required under clause 5H of Schedule 4 of the BSA, which states:

On the first sitting day of each House of the Parliament after each 1 January, 1 April, 1 July and 1 October from 1 April 2009 until 1 September 2014, the minister must cause a report to be laid before each House of the Parliament containing the following information:

- (a) action taken to identify and rectify transmission infrastructure that would otherwise prevent the transmission of free to air television broadcasting services in SDTV digital mode in any area achieving the same level of coverage and potential reception quality as was achieved by the transmission of those services in analogue mode; and
- (b) the local market areas and regions where transmission issues have been identified and how many households will be affected.

The ACMA contributed to five reports in the 2010–11 financial year. The reports were tabled in parliament on 11 May, 28 September and 18 October 2010; and 8 February and 13 May 2011. Subsequent contributions will be provided in accordance with time frames established between the DBCDE and the ACMA. Reports on digital television transmission and reception required under clause 5H can be found on the DBCDE website at [www.dbcde.gov.au](http://www.dbcde.gov.au).

## Viewer Access Satellite Television (VAST) service

The Viewer Access Satellite Television (VAST) service is a government initiative to provide people in remote areas and terrestrial digital television 'black spots' with access to a metropolitan equivalent suite of digital television services. On 9 December 2010, the ACMA registered conditional access schemes governing access to the VAST service. These schemes, which apply to those parts of Australia where a digital television satellite service is being provided on a permanent basis, were developed by industry and registered by the ACMA in advance of the switch-off of analog television services in regional South Australia. In addition to the registration of the conditional access schemes, the ACMA has a role in investigating complaints from viewers who were refused access to VAST services by the scheme administrator. To date, the schemes have been working well to achieve the aim of ensuring that all Australians receive digital television services.

For information about complaints brought under the VAST schemes, see page 108.

## Digital radio

### Introduction of DAB+ digital radio

Digital radio services using the DAB+ standard officially commenced in Adelaide, Brisbane, Melbourne, Perth and Sydney on 1 July 2009. From this date, commercial and national radio broadcasters began digital radio transmissions. The first digital radio broadcasts by designated community radio broadcasters in these areas occurred in October 2010; most designated community radio broadcasters progressively commenced digital radio broadcasts in late 2010 and throughout 2011.

In order to support the minister's review of digital radio technologies suitable for regional areas, under section 215A of the BSA, the ACMA has undertaken work to assess options for rolling out DAB+ services to regional Australia. The ACMA has also authorised digital radio trials in Canberra and Darwin, which commenced in July and August 2010 respectively and were due to cease in July 2011, although it remains open to the ACMA to consider extending these trials for a further period.

## Spectrum planning

---

The ACMA plans and manages the radiofrequency spectrum in Australia. It is responsible for compliance with licensing requirements and investigating complaints of interference to services. The scope of the ACMA's role includes spectrum planning, apparatus licensing, class licensing, spectrum licensing, auctions and trading, and satellite communications and space systems regulation.

As in many other countries, Australia must increasingly address the balance between growing demand for access to spectrum by new technologies and uses, and the legitimate requirements of existing users for ongoing use of spectrum. It must also address the balance between government use of the spectrum and its availability for use by the broader community. The ACMA continues to work to balance the competing demands of new uses and the defence and essential services sectors with the broader community requirements for access to spectrum as well as new technologies and spectrum management methods.

In 2010–11, the ACMA announced a number of proposals for future spectrum arrangements. A key development was in the 400 MHz band, including a harmonised band for government use and measures to allow more efficient use of this spectrum. Another key activity was the replanning of part of the 2.5 GHz band.

In 2010–11, the ACMA continued a number of initiatives to promote increased consultation, transparency and accountability in its radiofrequency spectrum planning and management. These initiatives included:

- > releasing the *Five-year spectrum outlook 2011–2015*
- > releasing the *Review of the 2.5 GHz band and long-term arrangements for ENG—Response to submissions* paper
- > continuing work with incumbent users of the 2.5 GHz band for electronic news gathering (ENG) on relocation to other frequency bands and to ensure orderly accommodation of ENG
- > continuing work to support the introduction of intelligent transport systems through liaising with relevant Australian interests and monitoring international developments



- > continuing work on the identification of spectrum requirements for smart infrastructure technologies and applications
- > continuing work on developing arrangements to support the Square Kilometre Array radio telescope through mechanisms intended to ensure appropriate levels of radio quietness
- > starting work on the development of a paper intended to initiate consultation and provide guidance on improving tenure for Earth station operations
- > starting work on the development of a consultation paper about licensing arrangements for Earth receive stations
- > completing the ACMA's involvement in developing revised treaty arrangements with the European Space Agency for the use of radiofrequency spectrum to support its requirements for communications with space satellites and space exploration missions
- > continuing to use the *Principles for spectrum management* in the ACMA's management of the radiofrequency spectrum
- > reviewing the operation of the Radiocommunications Consultative Committee
- > releasing the *Towards 2020—Future spectrum requirements for mobile broadband* discussion paper considering spectrum requirements for future mobile broadband services.

In May 2011, the ACMA released a discussion paper, *The 900 MHz band—Exploring new opportunities: Initial consultation on future arrangements for the 900 MHz band*, which started the public phase of a review of radiofrequency spectrum in the frequency range 803–960 MHz.

### **Allocation of 700 MHz and 2.5 GHz bands**

In 2010–11, the ACMA decided to conduct a single auction of spectrum in the 700 MHz and 2.5 GHz bands. This decision reflects the strongly complementary nature of the bands for advanced mobile telecommunications. The reallocation of this spectrum will help to address soaring demand for mobile broadband data.

In the reporting period, the ACMA undertook further work on the process of reallocating spectrum in the 2.5 GHz band. This included:

- > publishing a response to a submissions paper on the review of the 2.5 GHz band and long-term arrangements for ENG
- > preparing a draft recommendation to the Minister for Broadband, Communications and the Digital Economy to make a spectrum reallocation declaration for parts of the 2.5 GHz band
- > releasing an information paper outlining the background and context for the draft recommendation
- > issuing a notice under section 153G of the Radiocommunications Act inviting potentially affected apparatus licensees to give written comments to the ACMA about the draft recommendation.

See also *Implementation of 2.5 GHz arrangements* on page 52.

In the reporting period, the ACMA also commenced the first steps in reallocating the 700 MHz digital dividend band. These included:

- > releasing the discussion paper *Spectrum reallocation in the 700 MHz digital dividend band*
- > preparing a draft recommendation to the minister to make a spectrum reallocation declaration for parts of the 700 MHz band
- > releasing an information paper outlining the background and context for the draft recommendation
- > issuing a notice under section 153G of the Radiocommunications Act inviting potentially affected apparatus licensees to give written comments to the ACMA about the draft recommendation.

The ACMA plans to make final reallocation recommendations to the minister for these bands in August 2011.

## Radiocommunications

---

### Stakeholder engagement Radiocommunications Consultative Committee (RCC)

The RCC was established in November 2007 to facilitate high-level consultation between the ACMA and industry on major domestic and international radiocommunications issues.

The structure and focus of activity of the RCC has been under review this year. Members have been invited to comment on the structure, membership and other relevant matters of process undertaken by the RCC. Following the responses from members, options to refine the role, purpose and direction of the RCC were developed and are currently under final consideration.

### RadComms2011

The ACMA hosted its fifth national conference on spectrum management, *RadComms2011*, in Sydney on 26 and 27 May 2011.

The two-day event attracted over 250 radiocommunications professionals from across industry and government. *RadComms2011* gave delegates an opportunity to hear the latest spectrum developments, participate in open forums and exchange ideas with radiocommunications professionals from across industry and government. A variety of government and industry professionals discussed a wide range of topics on contemporary and evolving spectrum developments and how the future will affect spectrum management.

### Spectrum Tune-ups

On 3 November 2010, the ACMA held a Spectrum Tune-up at the Maritime Museum in Sydney. This event was devoted exclusively to the issues raised in the *Spectrum reallocation in the 700 MHz digital dividend band* discussion paper. A range of speakers from industry and the ACMA presented on the issues, and attendees also had the opportunity to share their views at the Q&A sessions. These sessions resulted in constructive discussion between attendees, ACMA staff and industry professionals on digital dividend spectrum issues.



*RadComms2011*, the ACMA's fifth conference on spectrum management and radiocommunications issues, was held in Sydney on 26 and 27 May. Presentations included the response of emergency services to natural disasters, mobile telephony issues, long-term evolution (LTE) and the ACMA's review of the 900 MHz band.



## International activities

The ACMA participated in national, regional and international radiocommunications meetings to prepare for the International Telecommunication Union (ITU) World Radiocommunication Conference 2012 (WRC-12). WRCs are held every four years to review and amend the ITU Radio Regulations. This year, the ACMA has focused on domestic and regional preparation for the Conference Preparatory Meeting (CPM) for WRC-12. The CPM was held in Geneva, Switzerland from 14–25 February 2011. The Australian delegation comprised 18 delegates and was successful in ensuring all of Australia's preferred options to resolve WRC-12 Agenda items were maintained and carried through to the final CPM Report to WRC-12.

Australia was represented and led by the ACMA at the fourth of five meetings of the Asia-Pacific Telecommunity (APT) to prepare for WRC-12 (APG2012-4), held in Hong Kong from 13–18 December 2010. Among the 19 Australian delegates from government and industry organisations were five ACMA representatives, including the Head and Deputy Head of Delegation. At the meeting, Australia was able to foster greater involvement with other Asia-Pacific administrations in the activities of the APT Preparatory Group and was successful in developing harmonised regional views generally consistent with the Australian preliminary views on WRC-12 Agenda items. The presence of the Australian delegation was instrumental in achieving this outcome as well as canvassing the ACMA's views on matters relating to WRC-12 with other regional administrations.

The ACMA led Australian delegations to two meetings of the Asia-Pacific Telecommunity Wireless Group (AWG) held in Seoul from 13–16 September 2010 and Bangkok from 22–25 March 2011. The objectives of the AWG include developing cost-effective and timely radiocommunications solutions, sharing information on radio technologies and harmonising spectrum usage in the Asia-Pacific region. At both meetings, Australia took a lead role in establishing and progressing work on harmonised arrangements to realise maximum benefit from the future use of digital dividend spectrum as it becomes available in the region.

Australian participation in ITU Radiocommunication (ITU-R) Study Groups is assisted through the Australian Radiocommunications Study Groups (ARSGs). The ARSGs develop inputs to the ITU-R Study Group process and provide advice to the ACMA on international radiocommunications issues associated with WRC-12. During 2010–11, 36 Australian delegates participated in 27 meetings of ITU-R Study Groups, Working Parties and Joint Task Groups, where 41 Australian contributions were presented.

## Outcomes and performance information

In keeping with Program 1.1: Communications regulation, planning and licensing, the ACMA released the *Five-year spectrum outlook 2011–2015* on 3 March 2011. It is a living document and is open to industry comment at all times. The ACMA will review and update the outlook annually so that it reflects current demands and priorities.

### Five-year spectrum outlook 2011–2015

Delivering on key projects to address ongoing spectrum demand and planning for new services were identified as key tasks in the *Five-year spectrum outlook 2011–2015*. The outlook continues to not only outline the different types of radiocommunications services available but also considers issues affecting those services and the ACMA's proposed strategic approach to addressing them over the next five years.

Chapter 4 of the outlook summarises significant spectrum projects underway or scheduled to commence during 2011 such as:

- > implementation of review outcomes for the 2.5 GHz and 400 MHz bands
- > digital switchover, restack and allocation work
- > review of the 900 MHz band and service planning for mobile broadband.

A new section in Chapter 5 discussing emerging technologies and their possible impact on spectrum management in the long-term was added to this edition of the outlook. Topics included:

- > dynamic spectrum access technologies such as cognitive radio systems
- > ultra wide-band
- > home networks
- > developments in television broadcasting standards.

Australia's *Frequency audit table* has also been revised and is attached to the outlook to provide a band-by-band overview of current regulatory provisions, use of the radiofrequency spectrum and a summary of those key issues covered in the outlook itself.

The outlook fulfils the ACMA's commitment to:

- > provide a useful summary of important spectrum management policies and priorities
- > provide greater insight and transparency for industry stakeholders
- > facilitate discussion between the ACMA and stakeholders.

The outlook also contains the ACMA's indicative spectrum management work programs for the next five years.

### Expiring spectrum licences

A significant issue for the government and industry over the next few years will be the expiry of licences in a number of spectrum-licensed bands. Some of these bands are currently being used for the delivery of high-value telephony and broadband services.

Table 2 provides a summary of the spectrum-licensed frequency bands and bandwidths, the year that the licences expire and the type of service for which the applicable technical framework is optimised.

To date, the minister has not determined a class of service for which reissue would be in the public interest, although he has indicated that he may do so. The ACMA intends to review and update the technical frameworks underpinning the spectrum licences to ensure that the arrangements enable the use of likely future technologies in the band.

Table 2: Expiry of spectrum licences\*

Band	Frequencies	Expiry	Main use
800 MHz	825–845 MHz 870–890 MHz (paired)	June 2013	Public mobile telephony
1800 MHz	1710–1755 MHz 1805–1850 MHz (paired)	June 2013	Public mobile telephony (GSM, GSM-R) <sup>7</sup>
28 and 31 GHz	27.5–28.35 GHz (unpaired) 31.0–31.3 GHz (unpaired)	January 2014	Wireless access services
1800 MHz	1755–1785 MHz 1850–1880 MHz (paired)	May 2015	Public mobile telephony (GSM, GSM-R)
2.3 GHz	2302–2400 MHz	July 2015	Wireless access services
3.4 GHz	3425–3442.5 MHz 3475–3492.5 MHz (paired) 3442.5–3475 MHz 3542.5–3575 MHz (paired)	December 2015	Wireless access services
27 GHz	26.5–27.5 GHz	January 2016	Wireless access services, satellite gateway
2 GHz	1900–1980 MHz 2110–2170 MHz	October 2017	Public mobile telephony (3G)
20 and 30 GHz	20.2–21.2 GHz 30–31 GHz	April 2021	Satellite operations

\*The 500 MHz band is not included because the minister signed a revocation instrument on 20 December 2010 for the band and it will not continue to be spectrum-licensed after 2012.

7 GSM-R is a system based on the GSM standard that provides communication and control for railway traffic and signals.

## Case study

# Review of the 900 MHz band—exploring new opportunities

In May 2011, the ACMA commenced the public consultation phase of a review of arrangements in the radiofrequency band 803–960 MHz with the release of a discussion paper, *The 900 MHz band—Exploring new opportunities: Initial consultation on future arrangements for the 900 MHz band*. The 820–960 MHz band is already used to support many important services ranging from major mobile telecommunications networks to class-licensed devices including radiofrequency identification devices (RFIDs).

For some time, the ACMA has been monitoring use of the band and has identified a number of significant potential improvements to the way the band is assigned. These improvements could better facilitate new and emerging technologies, including smart infrastructure, and improve how the band is used. The opportunity for improvement, and the fact that arrangements in this band have not been reviewed for nearly two decades, means it is timely to consider its replanning. Options include, but are not limited to, the potential to:

- > replan and reallocate the segments currently planned for global system for mobile (GSM) to improve both technical and allocative efficiency
- > expand services, such as the 850 MHz spectrum-licensed segments or the adjacent land mobile segment
- > consider the inclusion of arrangements that make use of the adjacent spectrum from the digital dividend that results from the closure of analog television broadcasting

- > enable new services using part of the digital dividend from 805–820 MHz paired with 850–865 MHz
- > consider the possible spectrum needs of public safety and emergency services organisations for mobile broadband and data carriage in the 800 MHz band depending on outcomes and recommendations of the Public Safety Mobile Broadband Steering Committee
- > replan the land mobile segments so that they may reach their highest value use
- > make spectrum available for smart infrastructure or the possible expansion of the industrial, scientific and medical (ISM) segment or other services in the band
- > replan a number of segments that are underused or unused due to allocations to outmoded technologies or unrealised applications.

This discussion paper marks the beginning of the review of the 803–960 MHz band, a major ACMA spectrum reform initiative that will continue over a number of years and include the release of numerous discussion papers. The ACMA is currently in an information-gathering stage of the project and intends to use information provided by its stakeholders to inform the development of proposals in 2011–12 for improvements to arrangements in the band.

### **Planning of spectrum for government and public safety purposes**

From 2008 to December 2010, the ACMA reviewed use of the frequency range 403–520 MHz (the 400 MHz band) through a number of public discussion papers. A key achievement of that review was the provision of harmonised and exclusive spectrum for government use. The new arrangements provide opportunities for a new era in government radio, with the emergence of large efficient networks providing greater support for emergency services than is currently the case. The ACMA is working with government, emergency service and law enforcement agencies to ensure a smooth and effective transition to the new arrangements over the coming years.

The review of the 4.9 GHz band is another ACMA initiative intended to provide spectrum for essential and emergency services. The objective of this review is to set aside 50 MHz of spectrum between 4940 and 4990 MHz for use by public safety agencies (PSAs) for deployment of high-capacity, localised radio links/networks in response to natural disasters and other incidents. A proposal paper detailing potential technical and regulatory options for implementation of the 4.9 GHz public safety band was released (through targeted consultation) with key public safety and law enforcement stakeholder groups in March 2011.

The ACMA has reviewed stakeholder comments and recommendations and is in the process of composing a decision paper, which will articulate authorisation mechanisms, management arrangements and technical specifications for operation in the band. Authorisation of operation is proposed to prescribe arrangements that limit access to the band for PSAs and their designates. The ACMA expects these arrangements to be finalised in 2012.

## 400 MHz band implementation

In 2008, the ACMA commenced a comprehensive review of the 400 MHz band (403–520 MHz). This band is used heavily by land mobile, fixed, radiolocation and amateur services.

The review was driven by congestion experienced in the band and a need to accommodate future and emerging technologies. The ACMA also identified an opportunity to transform essential and emergency service interoperability and to harmonise government spectrum use in the band.

### Objectives

The broad objectives of the review of the 400 MHz band were to implement measures that would:

- > improve government spectrum harmonisation to facilitate more efficient government networks and improved interoperability
- > improve the efficiency with which the band is allocated and used
- > facilitate new technologies and complementary uses
- > minimise the need for ongoing ACMA intervention in the band.

### Stakeholder engagement

The ACMA consulted extensively during the review, including through several ACMA and external conferences.

### Outcomes

The ACMA is currently working on a number of planning, policy and pricing issues relating to the transition arrangements. These are outlined in the discussion paper *The way ahead: Timeframes and implementation plans for the 400 MHz band*, which was released in December 2010. The paper also discusses the final decisions made for transitioning in the band in addition to an updated band plan (RALI MS22).

The ACMA developed these arrangements in close consultation with individuals, relevant committees and peak industry groups. The final arrangements complement the objectives developed by these groups and the National Framework for Improved Radiocommunications Interoperability agreed by the Council of Australian Governments (COAG). The interoperability of state and federal emergency services will be enhanced as a result of new arrangements to harmonise government spectrum use.

Following the review, the ACMA also varied the Radiocommunications (Citizen Band Radio Stations) Class Licence 2002. The variation provides for changes to align the UHF CB frequency channelling arrangements with those in the adjacent land mobile spectrum. The changes give regulatory effect to the Radiocommunications (UHF CB Radio Equipment) Standard 2011 and improve the utility of the service by reducing the risk of interference and congestion experienced in the citizen band radio service.

The ACMA acknowledges that transitioning to the new arrangements will be challenging for many users. However, the final outcomes minimise the impact on existing users while achieving the review objectives of government spectrum harmonisation, increased technology flexibility and greater efficiency of allocation and use. Furthermore, once transition is achieved, the need for further ACMA intervention in the band will be low.

## Mobile broadband project

The ACMA is considering spectrum requirements for future mobile broadband services, noting that stakeholder demand for access to spectrum is increasing.

On 4 May 2011, the ACMA released a discussion paper *Towards 2020—Future spectrum requirements for mobile broadband*. The paper identified the baseline spectrum requirements for future mobile broadband services and identified a number of possible frequency bands under 6 GHz that could be used to meet that expected demand up to 2020.

The analysis takes into account international trends in spectrum management including large proposed releases of additional spectrum by North American and European regulators to meet their mobile broadband demand. The paper also considers new and emerging technologies offering improved data rates and spectral efficiency and their effect on the baseline spectrum requirements for mobile broadband up to 2020.

Submissions received in response to the discussion paper will help the ACMA to determine which frequency bands it will prioritise in its spectrum planning, policy and allocation activities.

## Implementation of 2.5 GHz arrangements

On 21 October 2010, the ACMA released the *Review of the 2.5 GHz band and long-term arrangements for ENG—Response to submissions*. The response paper provided stakeholders with a broad insight into the submissions received by the ACMA and outlined a range of future arrangements that will be implemented in the 2.5 GHz band, and a range of other bands, resulting from the ACMA's consideration of issues raised in submissions. These arrangements are:

- > reallocation of 2500–2570 MHz and 2620–2690 MHz for spectrum licences, with technical frameworks that are technology-flexible but optimised for wireless access services (WAS)
- > conversion of ENG apparatus licences to 15-year spectrum licences on an Australia-wide basis in 2570–2620 MHz (the mid-band gap)
- > ENG access to the following 'alternative bands':
  - > shared use of the bands 2025–2110 MHz and 2200–2300 MHz
  - > exclusive use of the band 2010–2025 MHz, at least in capital city areas
  - > ENG access to 1980–2010 MHz and 2170–2200 MHz, with the caveat that mobile-satellite services may be introduced into these bands in the future, with the ACMA investigating the viability of long-term sharing between ENG and mobile-satellite services.

This approach offers the opportunity to realise the benefits to be gained from harmonisation of the 2.5 GHz band for WAS, while still ensuring the ongoing availability of suitable spectrum for ENG operations, which are of significant importance to the Australian public. In addition, it recognises the social and economic value of the range of services provided by licensees in the alternative bands.

In May 2011, the ACMA released two papers marking the first step in the implementation of the new arrangements in the 2.5 GHz band outlined above:

- > *Draft spectrum reallocation recommendations for the 700 MHz digital dividend and 2.5 GHz bands* is a notice setting out the terms of a draft reallocation recommendation to the minister for the 2.5 GHz band, to seek comments from potentially affected apparatus licensees. This paper is the first step that will enable the ACMA to auction part of the band.
- > *Review of the 2.5 GHz band and long-term arrangements for ENG—Designation proposal* is an information paper inviting public representations on the designation recommendation for the 2.5 GHz band that the ACMA should make to the minister. This information paper is the first step to enable conversion of existing apparatus licences to spectrum licences in the 'middle' of the band.

## Review of the mobile phone jammer prohibition

Mobile phone jammers are radiocommunications transmitters designed to deliberately interfere with radiocommunications services, including services operated by mobile carriers. While jammers have been typically used to disable communication to and from mobile phones, they may also potentially disable or disrupt services using spectrum bands adjacent to spectrum used for mobile phone services.

In 1999, the former Australian Communications Authority prohibited the use, possession and operation of mobile phone jammers operating in the 870–960 MHz and 825–845 MHz frequency bands because of the interference risk posed to licensed radiocommunications.<sup>8</sup>

<sup>8</sup> Notification that the ACMA prohibits the operation or supply, or possession for the purpose of operation or supply, of specified devices (the 1999 prohibition, now revoked).



Since the 1999 prohibition was made, the number of frequency bands used to supply public mobile telecommunications services has increased.<sup>9</sup> In response to these developments, in 2010 the ACMA undertook a review of the regulatory framework for mobile phone jammers.

The review assessed whether the 1999 prohibition remained the most efficient, effective and appropriate regulation for mobile phone jammers. It also considered the ACMA's power to exempt defence, law enforcement and emergency personnel from certain provisions of the *Radiocommunications Act 1992*. The review found that:

- > the original reasons for making the 1999 prohibition remained relevant
- > regulating mobile phone jammers under a section 190 declaration remained appropriate
- > the prohibition should be retained in some form
- > requests for exemptions under section 27 of the *Radiocommunications Act* should continue to be considered by the ACMA on a case-by-case basis.

In February 2011, the ACMA revoked the 1999 prohibition and made the *Radiocommunications (Prohibition of PMTS Jamming Devices) Declaration 2011*. This declaration prohibits jammers that interfere with public mobile telephone services, replacing the old instrument that prohibited jamming in specified frequencies. The current prohibition continues an existing exception to enable the operation of systems that facilitate the use of mobile phones on board an aircraft.

#### **Proposed mobile phone jammer trial at Lithgow Correctional Centre**

In 2009, the Corrective Services Administrators Council (CSAC) lodged a submission with the ACMA that set out:

- > the extent to which mobile phones are illegally used by inmates
- > the steps that had already been taken to prevent or minimise the illegal use of mobile phones by inmates
- > the public benefits that could be expected if the deployment of mobile phone jammers in correctional facilities was permitted.

In September 2010, the ACMA made the *Radiocommunications (Bench Testing by Corrective Services NSW of Mobile Telephone Jamming Device) Exemption Determination 2010* (the Bench Testing ED). The Bench Testing ED exempted Corrective Services NSW (CSNSW) from certain provisions of the *Radiocommunications Act* for the purpose of testing jamming devices in a shielded environment.

CSNSW conducted bench testing during the first quarter of 2011 to examine the suitability of jamming devices for use in a field trial at Lithgow Correction Centre. CSNSW tested the specifications of the devices with a view to nominating an appropriate device for the field trial. In its report to the ACMA, CSNSW nominated one device for field deployment. Consideration of regulatory arrangements for the field trial of jammers by CSNSW is expected to take place in late 2011 or early 2012.

The ACMA assesses exemptions from provisions of the *Radiocommunications Act* on a case-by-case basis.

#### **Space regulation**

The ACMA has responsibility for fulfilling Australia's obligations as a member of the ITU. In relation to regulation of space activities, the ACMA supports the filing of Australian satellite networks with the ITU and actively works with prospective satellite operators in meeting these obligations. In addition to filing satellite networks, the ACMA provides the interface with other ITU administrations in coordinating Australia's satellite spectrum requirements. The ACMA submitted 12 filings for new satellite networks in the reporting period on behalf of Intelsat, NBN Co and the Department of Defence.

The ACMA made 317 assessments of publications in the reporting period relating to proposed foreign satellite networks, initiating coordination processes (where necessary) with foreign administrations concerning their proposed satellite networks with Australian spectrum requirements and responding to their reciprocal requests of Australia. This role assists in protecting Australian interests and maximising the benefits of spectrum/orbital resources through working cooperatively with other ITU Member Administrations.

<sup>9</sup> For example, using a jammer to prevent mobile phone use by inmates in correctional facilities.

The ACMA also provides ongoing advice to Australian Government agencies and the Australian space community on space radiocommunications. During the reporting period, the ACMA provided advice on:

- > activities of the European Space Agency
- > regulatory matters for Australian satellite operators and the radiofrequency community.

### **Review of satellite regulation practices and processes**

The Radio Regulations of the ITU require its members to be mindful that radiofrequencies and satellite orbits are limited natural resources and must be used rationally, efficiently and economically.

To identify potential areas for improvement and for compliance with the regulations, the ACMA has been reviewing internally its practices and processes relating to the filing and coordination of satellite networks (the filing function).

The aim of the review is to refine satellite regulatory practices and processes to support the development and provision of satellite services in and for Australia, in a way that optimises the effective, efficient and equitable assignment and use of an increasingly internationally exploited public resource.

The review has examined:

- > the status of the filing function under the ACMA Act
- > the criteria against which the ACMA assesses requests from satellite operators to file details of a proposed satellite network with the ITU
- > the documentation and management of the relationship between the ACMA and satellite operators, including improved performance monitoring and management
- > the regime of fees and charges currently applied to services to support the operation of Australian satellite networks.

The ACMA intends to finalise components of this review in 2011.

### **Radiocommunications research and analysis**

As part of its mandate to maximise the overall public benefit derived from use of spectrum, the ACMA continuously looks for ways that it can improve the management and use of spectrum in Australia.

The ACMA has been examining the current spectrum management framework with a view to identifying potential options for improving its efficiency, effectiveness and transparency. This has included:

- > analysing trends in spectrum holdings to identify areas of future demand and congestion
- > exploring the merits of various spectrum access arrangements, including potential models for private band management
- > assessing the ACMA's spectrum planning and frequency assignment policies and practices to identify any restrictions that may result in inefficient spectrum use, both now and in the future
- > researching trends in spectrum management and examining how other spectrum regulators are approaching challenges such as increasing spectrum demand, convergence and facilitation of greater spectrum sharing.



## Allocation and licensing

---

### Market-based resource management

Market-based resource management makes a significant contribution to the efficiency of the communications sector. In particular, it contributes to the efficient planning, allocation and use of national resources such as radiofrequency spectrum and **smarnumbers**® (freephone and local-rate telecommunication numbers).

Public benefit will generally be maximised where resources are allocated to their highest value use or uses; that is, the use or uses that maximise the value derived from the resource by licensees, consumers and the wider community. Market-based approaches such as auctions and opportunity-cost pricing are accepted as normally being the most efficient means of allocating scarce resources to their highest valued use or uses. The ACMA uses market-based approaches to resources management to maximise the efficient allocation and use of resources. In turn, this maximises opportunities for current and future licensees.

Auctions are used to allocate all **smarnumbers**, as well as spectrum in bands and areas where demand exceeds supply.

The last major Australian spectrum auction was in March 2001. In the past 10 years, spectrum regulators have refined the approaches used to auction spectrum. In preparation for the forthcoming auctions of the 700 MHz and 2.5 GHz spectrum, the ACMA has consulted with stakeholders and worked with consultants to:

- > review developments in auction theory and spectrum auctions
- > consider how well the auction formats reviewed will meet the ACMA's auction design objectives given the likely characteristics of the spectrum and bidders
- > draft auction rules that reflect current best practice.

The ACMA expects to provide further advice to stakeholders about processes for the 700 MHz and 2.5 GHz allocations later in 2011.

The ACMA supports a secondary market for trading of spectrum and **smarnumbers** to reallocate resources to higher value uses when market values change after the initial allocation by the ACMA.

### Opportunity-cost pricing for administratively allocated spectrum

In January 2010, the ACMA announced that it would consider the use of opportunity-cost pricing for annual fees for administratively allocated spectrum as one of a suite of tools for managing spectrum.

If and when applied, the opportunity-cost pricing of administratively allocated spectrum would supplement traditional tools such as technical frameworks and licensing arrangements. The opportunity cost of part of the radiofrequency spectrum is the highest value use that is denied by granting access to one party rather than to the alternative. Opportunity-cost pricing contributes to the ACMA's first two principles for spectrum management.

Prices that better reflect the opportunity cost of spectrum are designed to create incentives for spectrum holders to return spectrum when they are using it for a lower value use or not at all. This spectrum can then be put to more productive use by spectrum holders willing to pay the opportunity-cost price. This incentive will enable and encourage spectrum to move to its highest value use or uses over time.

In *The way ahead: Timeframes and implementation options for the 400 MHz band and the Five-year spectrum outlook 2011–2015*, the ACMA reaffirmed that it would introduce opportunity-cost pricing for the 403–520 MHz band. For those parts of the band where price increases are expected, the ACMA understands that stakeholders require sufficient time to build additional costs into their budgets. To provide stakeholders with sufficient time, the ACMA proposes to implement any price increases incrementally over five years, starting in 2012.

As noted in the *Five-year spectrum outlook 2011–2015*, the ACMA will provide further information about its methodologies and other priority bands throughout 2011 to ensure that a comprehensive approach is taken to the application of opportunity-cost principles. In its *Annual operating plan 2011*, the ACMA notes that it is seeking to develop a methodology to evaluate licences based on opportunity cost by the end of 2011.

### Radiocommunications licensing

#### Apparatus licensing

Apparatus licences can be issued for any period ranging from one day to a maximum of five years. The majority of licences are for one year with annual renewals thereafter.

The ACMA issues some apparatus licences that require frequency assignment coordination (assigned licences) and other apparatus licences where no frequency assignment coordination is required (non-assigned licences).

The ACMA's key performance indicator (KPI) for the issue of licence applications requiring frequency assignment is to have completed 70 per cent of applications within 70 days of receipt. For licence applications not requiring frequency assignment, the ACMA has established a KPI of completion of 100 per cent of applications within 14 days of receipt.

During 2010–11, the ACMA exceeded the KPIs for licences requiring frequency assignment with 97.4 per cent of applications being completed within 70 days. The ACMA was slightly under the KPIs for licences not requiring frequency assignment with 99.6 per cent of all applications completed within 14 days of receipt. Those applications that were not completed within KPIs resulted from a small number requiring more complex assessment.

#### New licences

In 2010–11, 11,507 new apparatus licences were issued, bringing the number of current licences at 30 June 2011 to 158,090 (see Table 54 in Appendix 4). During the reporting period, 151,277 licences were renewed or carried over as multi-year licences. There are currently 6,731 multi-year licences issued. The number of new licences issued for each of the last three years has grown from 11,235 in 2008–09 to 11,259 in 2009–10 and 11,507 in 2010–11. Over the same period, the annual number of apparatus licences issued has averaged 11,334.

A total of \$165.052 million in licence tax and charges revenue was received in 2010–11 (see Table 3).

Table 3: Radiocommunications apparatus licences, 30 June 2011

Type of licence	Revenue 2010–11 (\$m)
<i>Assigned licences</i>	
Public telecommunications service	76.941
Fixed	53.404
Land mobile	17.898
Satellite*	4.242
Defence	8.740
Other	2.417
<b>Total assigned licences</b>	<b>163.642</b>
<i>Non-assigned licences</i>	1.410
<b>Total</b>	<b>165.052</b>

*\*Includes earth, space, earth receive and space receive licences.*

## Price-based apparatus licence allocations

### Low-power open narrowcasting licences

Every three months, the ACMA offers to allocate low-power open narrowcasting (LPON) licences and holds auctions where there are competing applications. LPON licences allow for the provision of niche radio services, such as tourist radio and racing information, or ethnic and religious programming. They operate at very low power outputs and serve relatively small areas. During 2010–11, the ACMA allocated an additional 33 LPON licences, raising revenue of \$18,750.

### 2 GHz band—public mobile telecommunications services

In May 2010, the ACMA invited applications for public telecommunication services (PTS) licences in the paired frequency ranges 1920–1980/2110–2170 MHz (the 2 GHz band) in regional and remote areas of Australia. The ACMA received two applications during the specified application period—one from Optus and one from Telstra, and assessed them on a ‘first-in-time’ basis.

Assessment of the two applications resulted in licences being allocated to Optus in August 2010 for 963 sites and to Telstra in October 2010 for 1,401 sites.

On 25 October 2010, the ACMA then opened the 2 GHz band for general release to accept applications at any time for apparatus licences for public telecommunications services in regional and remote areas of Australia. Since October, Optus has either had new licences allocated or existing licences varied to include an additional 108 sites for a total of 1,071 sites.

In December 2010, assessment of an application received from Ergon Energy Telecommunications Pty Ltd resulted in licences being allocated for 143 sites. Following receipt of a second application in March 2011, licences were allocated for 15 more sites.

In April 2011, assessment of an application received from Telstra resulted in licences being allocated for an additional 13 sites for a total of 1,414 sites.

## 3.6 GHz band—broadband wireless access

The ACMA began allocating spectrum in the 3.6 GHz band (3575–3700 MHz) for wireless access services (WAS) in areas of regional and remote Australia in the previous reporting period. In 2010–11 the ACMA released a further four areas.

Area 3, covering parts of Western Australia, Northern Territory and northern South Australia, was released in July 2010. One application was received and seven licences were issued. The total revenue for Area 3 was \$5,649.

Area 4, covering Bunbury, Gippsland, Hobart and the Hunter Valley, was released in September 2010. Four applications were received and 42 licences were issued. The total revenue for Area 4 was \$68,891.

Area 5, covering the Queensland coast, was released in November 2010. Two applications were received and 16 licences were issued. The total revenue for Area 5 was \$14,731.

Area 6, covering the Murray River in Victoria; and the Mid North Coast, Northern Rivers and Wollongong/Shoalhaven in New South Wales, was released in June 2011. Fifteen applications were received. The ACMA was still assessing those applications at the end of the reporting period and expects to issue licences for Area 6 in the first quarter of the next reporting period.

The issue of licences in Area 6 will conclude the phased administrative allocation approach in defined geographic areas of regional and remote Australia for the 3.6 GHz band. The ACMA is now accepting applications for additional licences in the 3.6 GHz band in areas 1 to 6 on an ‘over the counter’ basis.

### Mobile communication services on aircraft

The ACMA received one application for a PMTS Class C apparatus licence in the reporting period. Aeromobile AS was issued with a PMTS Class C licence in August 2010.

Issue of this licence followed a period of consultation and ACMA approval of new regulatory arrangements for mobile communication services on aircraft in June 2010. Those regulatory arrangements comprise:

- > a new apparatus licence type (a PMTS Class C licence) for onboard systems
- > amendments to a class licence to permit the use of user devices (for example, handsets) onboard an aircraft.

The arrangements do not prescribe or otherwise limit the type of mobile communication service that can be offered using an onboard system. Where there are no interference concerns, the ACMA considers the deployment of specific communication services, including voice calls, to be a commercial decision to be made by service providers and airlines.

The arrangements apply only in areas that are not spectrum-licensed. In spectrum-licensed areas, mobile communication services on aircraft may only be operated under agreement with the relevant spectrum licence holder.

#### **Other changes to licensing arrangements**

In July 2010, the ACMA revoked and amended a number of instruments to remove all references to the MDS (Multipoint Distribution Station) apparatus licence type from ACMA subordinate legislation.

In April 2011, the ACMA amended the Radiocommunications (Limitation of Authorisation of Third Party Users) Determination 2000 and revoked the Radiocommunications (Third Party Use – Spectrum Licence) Rules 2000 (No. 2). The effect of the changes is that licensees are no longer required to make authorisations revokable at will. This requirement was identified as a possible barrier to trade by the ACMA in its 2008 review of spectrum trading. Removal of the requirement is intended to provide greater authorisation certainty and promote secondary market activity.

## **Spectrum licensing**

### **Spectrum auction capability**

Following a comprehensive review of auction methods and IT capability, the ACMA is procuring spectrum auction services to support future spectrum auctions including the allocation of spectrum licences in the 700 MHz (digital dividend) and 2.5 GHz bands.

See also *Market-based resource management* on page 55.

### **2.3 GHz band—unallocated spectrum licences**

On 21 April 2011, the ACMA commenced the allocation process for unallocated spectrum licences in the 2.3 GHz band by releasing an Applicant Information Package, which contained:

- > an overview of the 48 residual lots that were being allocated
- > a guide to the allocation process
- > information about regulatory requirements that apply to the allocation process, the auction and the spectrum licences obtained
- > application documents to be completed and submitted by 1 June 2011.

The residual lots that were offered for allocation are in regional and remote Australia and include areas in New South Wales, Queensland, South Australia, Western Australia and the Northern Territory. The ACMA received applications from NBN Co Ltd, Telstra Corporation Ltd and BKAL Pty Ltd, a subsidiary of Unwired Australia Pty Ltd, with 40 of the 48 lots offered being contested. The ACMA plans to conduct an auction for the contested lots in July 2011 and expects to conclude the allocation process in the first quarter of the next reporting period.

### **Spectrum licence trades**

The following spectrum licences in the 2.3 GHz band were traded during the reporting period:

- > Austar United Licenceco Pty Ltd acquired multiple licences through trades with Energy Australia, Dovevale Pty Ltd, Wollongong Microwave Pty Ltd, Minorite Pty Ltd, Kidillia Pty Ltd, and Jacolyn Pty Ltd.

- > Bkal Pty Ltd acquired spectrum licences through trades with Wollongong Microwave Pty Ltd, Jacolyn Pty Ltd, Chippawa Pty Ltd, Kiddillia Pty Ltd and Austar United Licenceco Pty Ltd.

NBN Co purchased Austar United Licenceco Pty Ltd after completion of the trades and then changed the corporation name to NBN Co Spectrum Pty Ltd before the end of the reporting period.

## Class licensing

### Low interference potential devices

Low interference potential devices include a wide range of low-power radio transmitters used by the public every day, such as garage door openers, wireless local area networking equipment and wireless identification tags. Operation of these common devices without individual coordination is accomplished through class licensing. The ACMA's class licensing arrangements provide a no-cost-to-the-user authorisation for the operation of such equipment, without the need to issue individual licences.

The rapid development of radio technology leads to significant numbers of enquiries from equipment importers who seek the inclusion of new equipment items with class licences. However, before the operation of a device can be covered by a class licence, planning studies must be conducted to determine a set of common characteristics to make sure that the operation of these devices represents a low interference risk to existing Australian radiocommunications services.

The Radiocommunications (Low Interference Potential Devices) Class Licence 2000 (the LIPD class licence) is regularly varied to maintain currency and keep pace with technological development. In September 2010, the LIPD class licence was varied to:

- > harmonise the technical limitations for indoor 60 GHz communications transmitters with international requirements

- > authorise the use of vehicular radars operating in the 79 GHz band
- > authorise two new classes of low-frequency transmitters relating to telemetry and telecommand
- > carry out minor amendments to certain definitions used in the LIPD class licence.

### New band plan

In July 2011 the ACMA will consider new regulatory measures to provide enhanced protection for the Mid West Radio Quiet Zone (the RQZ), located in remote Western Australia, and to further support Australia's bid to host the Square Kilometre Array (SKA). To protect the RQZ, the ACMA had previously used administrative arrangements including Embargo 41 and Radiocommunications Assignment and Licensing Instructions (RALI) MS32. The new arrangements being proposed follow extensive consultation that included the release of a discussion paper on the proposed changes in October 2010.

### Accredited Persons scheme

The ACMA accredits appropriately qualified persons to assist radiocommunications licensees. Accredited Persons (APs) issue frequency assignment certificates for apparatus licences and interference impact certificates for spectrum licences.

In the 2010–11 financial year, the number of APs decreased from 69 to 57 (see Table 4). This reduction is due to an internal process stemming from the review of the AP scheme, which withdraws the accreditation of those APs who have been inactive for at least two years, as well as those who have notified the ACMA that their accreditation is no longer required. Notwithstanding this overall reduction, the ACMA accredited five new applicants in the 2010–11 financial year.

Table 4: APs, 30 June 2007 to 30 June 2011

Number of APs	30 June 2007	30 June 2008	30 June 2009	30 June 2010	30 June 2011
	57	66	67	69	57

Table 5 shows the frequency assignments made by APs and the ACMA assigners over the last five years for apparatus licences. The percentage of assignments made by APs decreased by two per cent in 2010–11.

APs register all devices that require authorisation to operate under a spectrum licence, supporting the self-regulatory approach to spectrum management that spectrum licensing introduced in 1997. This approach allows licensees to take responsibility for much of the administration related to their spectrum licences. In 2010–11, APs registered 55,375 devices operated under spectrum licences.

**Review of AP scheme**

The ACMA completed a review of the AP scheme in November 2010, confirming that it is providing a successful market-based solution for frequency coordination and emission level management. To help ensure the scheme's continued success, review recommendations focused on measures to improve quality control and remove barriers to becoming an AP.

In June 2011, as a result of the review, the ACMA amended the Radiocommunications (Accreditation – Prescribed Certificates) Principles 2003 to:

- > Recognise the qualifications of New Zealand Approved Radio Engineers and Approved Radio Certifiers as equivalent qualifications for accreditation. This means people with these New Zealand qualifications will be eligible to apply for accreditation as an AP in Australia.

- > Remove the Deed of Indemnity for *Financial Management and Accountability Act 1997* (FMA Act) bodies (Commonwealth Government departments). The requirement for a Deed of Indemnity for individuals and organisations not governed by the FMA Act is to continue.
- > Allow for the withdrawal of accreditation if an AP has been inactive for at least two years, in order to ensure that the skills of APs are current. In such cases, APs would be given the opportunity to show cause why they should not have the accreditation withdrawn.

Following the review of the AP scheme, the ACMA also adopted several recommendations about the administration of the scheme. These changes included a review of information on the ACMA website and technical documentation, as well as the development of a new audit system for interference impact certificates.

**Certificates of proficiency and operator examinations**

**Marine radio operator certification services**

The Australian Maritime College (AMC) in Launceston has provided marine radio operator certification and examination services on behalf of the ACMA since 2002. The AMC is also responsible for publishing the handbooks recommended for candidates undertaking examinations for Marine Radio Operators Certificates of Proficiency. During the reporting period, the AMC introduced online examinations to enhance its service provision and increase accessibility.

The AMC is required to report to the ACMA about the marine radio operator certification and examination service levels by 31 October each year. The report is also published on the AMC website. Table 6 details activity levels for the last two years.

**Table 5: Assignments registered, 2006–07 to 2010–11**

	2006–07	2007–08	2008–09	2009–10	2010–11
Frequency assignments registered by APs	10,395 66%	12,260 66%	11,930 68%	15,434 74%	16,278 72%
Frequency assignments performed by the ACMA	5,424 34%	6,585 34%	5,642 32%	5,559 26%	6,272 28%

### Review of marine radio operator qualifications for recreational boaters

The ACMA continued its review of regulatory arrangements for VHF marine radio operator qualifications for recreational boaters, which was initiated in early 2009. The review was triggered by concerns expressed to the ACMA by the National Marine Safety Committee about declining standards in VHF radio use, and the need to prepare for expiry of the Australian Maritime College agreement in 2012.

The objectives of the review are to:

- > improve the integrity of the radiocommunications spectrum management framework as it applies to the recreational boating community
- > examine the needs of the recreational boating community in its use of VHF radio, including for safety purposes, and identify how those needs might best be supported in light of the ACMA's role and responsibilities
- > promote the overall efficiency of the regulatory framework supporting the operation of marine radio by the recreational boating community.

In December 2010, the ACMA released its second consultation paper for public comment, *A new approach for recreational boaters who operate VHF marine radios*. The paper outlined proposals to more effectively achieve the ACMA's spectrum management objective of enabling the correct use of VHF channels and protocols by recreational boaters. The key proposals on which comments were sought were:

- > to remove the mandatory requirement for recreational boaters to hold a marine radio operator's certificate of proficiency before communicating in the VHF band within Australian territorial waters
- > for marine radio operator qualification arrangements to be managed by an organisation with closer ties to the marine community.

Responses were sought in the form of public submissions or via an online ACMA survey. A total of 57 submissions were received and 304 people responded to the online survey. Consideration of all responses to the ACMA proposals continued into 2011 and key stakeholders were consulted further in order to explore alternative certification options. The ACMA is continuing to work with the marine safety sector in particular to bring about appropriate approaches to managing operator qualifications for recreational boaters.

**Table 6: Marine radio operator certification and examination services—activity levels**

	2009–10	2010–11
<b>Total applications received</b>		
Marine Radio Operators Certificates of Proficiency	5,001	4,436
Marine Radio Operators VHF Certificate of Proficiency	1,963	1,803
Marine Satellite Communications Certificates	41	18
<b>Total handbook sales</b>		
Marine Radio Operators Handbooks	5,175	4,068
Marine Radio Operators VHF Handbooks	2,471	2,305



During the course of the review, it has become evident that the recreational boating community needs greater awareness of correct radio protocols and procedures. To address this need, the ACMA commenced a campaign to inform recreational marine radio operators of the correct VHF radio channels to use in particular circumstances and the protocols they need to follow. Online and printed material was distributed through organisations with close links to the recreational boating sector. State marine safety and regulatory bodies, marine volunteer organisations, boating industry organisations and other key interested bodies supported the campaign. The ACMA also used social media such as Twitter and Facebook to disseminate key messages.

The ACMA and AMC worked cooperatively to support the campaign by making the *Marine Radio Operators VHF Handbook* available for download free of charge from the AMC website.

**Amateur radio operator examination services**

The Wireless Institute of Australia (WIA) has provided examination services to the amateur radio community on behalf of the Australian Government since 1991. As well as providing amateur examination services, the WIA issues amateur certificates of proficiency, administers amateur call signs and makes recommendations to the ACMA about their allocation.

The ACMA is responsible for issuing and varying amateur transmitter licences. During 2010–11, the WIA conducted 1,515 amateur examinations. Table 7 details the number of amateur certificates of proficiency issued based on the results of these examinations. Some amateurs may have needed to successfully undertake more than one examination to qualify for the relevant certificate of proficiency.

The WIA also made 1,164 recommendations regarding call sign allocation. The ACMA allocated 1,116 call signs based on these recommendations.

**Broadcasting licence area plans and variations**

A licence area plan (LAP) relates to broadcasting and is a legislative instrument made up of a determination, schedules and attachments setting out the licence area and the technical specifications for existing and proposed services.

Over the reporting period, the ACMA completed 13 television LAP variations and six variations to radio LAPs, including creating a new Mildura radio LAP (see Table 8).

Table 7: Amateur certificates of proficiency issued, 2010–11

Certificate level	Certificates issued	
	2009–10	2010–11
Foundation	503	467
Standard	160	112
Advanced	115	93
<b>Total</b>	<b>778</b>	<b>672</b>



**Table 8: Variations to licence area plans**

Service area	Purpose of variation
Mildura/Sunraysia Television November 2010	The variation replaced the commercial analog television channels with the corresponding commercial digital television channels, separated radio and TV LAP components.
Sydney Television December 2010	The variation updated the commercial television licence area with additional collection district data.
Brisbane Television December 2010	The variation updated the commercial television licence area with additional collection district data.
Adelaide Television December 2010	The variation updated the commercial television licence area with additional collection district data.
Northern NSW Television December 2010	The variation updated the commercial television licence area with additional collection district data.
Southern NSW Television December 2010	The variation updated the commercial television licence area with additional collection district data.
Regional Qld Television December 2010	The variation updated the commercial television licence area with additional collection district data.
Remote Central and Eastern Australia Television December 2010	The variation added collection district data in the commercial television licence areas that was previously missing from the LAP.
Broken Hill Television December 2010	The variation replaced the commercial analog television channels with the corresponding commercial digital television channels prior to digital switchover on 15 December 2010.
Riverland Television December 2010	The variation replaced the commercial analog television channels with the corresponding commercial digital television channels prior to digital switchover on 15 December 2010.
Mount Gambier/South-East Television December 2010	The variation replaced the commercial analog television channels with the corresponding commercial digital television channels prior to digital switchover on 15 December 2010.
Spencer Gulf Television December 2010	The variation replaced the commercial analog television channels with the corresponding commercial digital television channels prior to digital switchover on 15 December 2010.
Regional Vic. Television April 2011	The variation replaced the commercial analog television channels with the corresponding commercial digital television channels prior to digital switchover on 5 May 2011.
Bunbury, WA Radio October 2010	The variation made spectrum available for a national radio broadcasting service for the Bunbury area; made spectrum available for a new community radio broadcasting service at Augusta; made spectrum available for new commercial radio broadcasting translators at Augusta, Collie and Margaret River; made spectrum available for a new narrowcasting radio service at Collie; and made spectrum available for a new community radio broadcasting service at Harvey.
Bourke, NSW Radio March 2011	The variation made spectrum available for a new community radio broadcasting service at Wilcannia.
Cairns, Qld Radio March 2011	The variation made spectrum available for a new community radio broadcasting service at Mossman.
Maryborough, Qld Radio March 2011	The variation made spectrum available for a new community radio broadcasting service at Tiaro.
Bundaberg, Qld Radio March 2011	The variation made spectrum available for a new national radio broadcasting service at Wide Bay and made spectrum available for a new community radio broadcasting service at Bundaberg.

<p>Kingaroy, Qld Radio March 2011</p>	<p>The variation removed spectrum reserved at Murgon for a national radio broadcasting service in order to make it available for reallocation at Wide Bay, and varied the technical specifications and licence area for the community radio broadcasting service at Yarraman.</p>
---	---

### Digital channel plans and variations

The ACMA is responsible for managing the conversion of television transmissions from analog to digital mode. Legislative schemes (the ‘conversion schemes’) have been developed for the conversion of commercial and national television broadcasting services from analog to digital mode over a period of time.

The conversion schemes authorise the ACMA to develop digital channel plans (DCPs), which determine the channels to be allotted to each commercial and national television broadcaster in a given area as well as the technical limitations and characteristics of those channels.

For technical reasons, digital-only local market areas were declared for Bonnie Doon, Howqua and Hopetoun in regional Victoria prior to the switch-off of analog television at the end of the simulcast period.

Over the reporting period, the ACMA made variations to commercial and national DCPs for three areas (see Table 9).

### Broadcasting licensing

In 2010–11, the ACMA:

- > issued nine transmitter licences for national radio and television services
- > issued 155 broadcasting retransmission licences
- > approved 664 applications for out-of-area television
- > issued 66 radio and television test transmission licences
- > varied 32 radio and television apparatus licences
- > issued 73 special event broadcasting licences for radio and television services.

### International broadcasting licences

The ACMA did not receive any applications for international broadcasting licences during 2010–11.

Table 9: Variations to digital channel plans

Service area	Purpose of variation
Regional South Australia—commercial and national DCPs December 2010	The variations updated technical specifications, removed references to analog transmission and made provision for the allocation of licences to be issued under section 38B of the BSA in preparation for the switch-off of analog transmission on 15 December 2010.
Broken Hill—commercial and national DCPs December 2010	The variations updated technical specifications, removed references to analog transmission and made provision for the allocation of licences to be issued under section 38B of the BSA in preparation for the switch-off of analog transmission on 15 December 2010.
Regional Victoria—commercial and national DCPs May 2011	The variations updated technical specifications and removed references to analog transmission in preparation for the switch-off of analog transmission on 5 May 2011.

### **Review of community broadcasting licence allocation and renewal processes**

On 1 September 2010, a new application form for a community radio broadcasting licence (in the Broadcasting Services Band—ACMA B32) was introduced, following review of the community radio broadcasting licence allocation process in 2008–09.

During the reporting period, the community radio broadcasting licence renewal process was reviewed, followed by implementation of revised arrangements, including use of a new application form for the renewal of a community radio broadcasting licence (ACMA B66) from 1 April 2011.

### **Temporary community broadcasting licences**

The temporary community broadcasting licence (temporary licence) scheme has been in place since 1997. The temporary licence scheme allows the ACMA to allocate non-renewable community radio licences to eligible aspirant broadcasters. Temporary licences are allocated for a maximum 12-month licence period.

If broadcasting services bands spectrum is available, but the ACMA has not started or completed planning and allocation processes for that spectrum, it may determine that part of the spectrum is available for allocation to temporary community broadcasting licensees. A temporary licence can be allocated only if the ACMA has made such a determination.

The scheme gives the ACMA flexibility in promoting the efficient and effective use of spectrum and aspirant broadcasters the opportunity to develop broadcasting skills before merit-based allocation of planned long-term community broadcasting licences.

During the reporting period, the ACMA allocated 104 temporary licences and there were 105 temporary licences as at 30 June 2011. Of the 105 temporary licences, eight licensees are sharing use of two frequencies (six temporary licences in Bankstown in New South Wales and two temporary licences in Goolwa in South Australia). The ACMA received 22 applications for new temporary licences. Of these, 17 were approved.

In June 2011, the ACMA decided not to make additional radiofrequency spectrum in the Melbourne City RA1 licence area available to temporary community broadcasting licensees. In reaching its decision, the ACMA took close account of possible future demand for the spectrum and the competing technical requirements of long-term broadcasting licensees.

### **Community radio broadcasting licences**

Under Part 6 of the BSA, community broadcasting licences using the broadcasting services band are allocated after the ACMA has had regard to statutory merit considerations. Where there are competing applicants, the comparative merits of the applicants are considered. The ACMA is not obliged to allocate a community broadcasting licence, even though it has advertised for and received applications.

During the reporting period, the ACMA:

- > renewed 39 community radio broadcasting licences, of which none were remote Indigenous broadcasting services. Of those, 10 were renewed with agreed measures—2HHH, 2MWM, 2RES, 2WEB, 2WYR, 3APL, 3MDR, 3NRG, 3RUM and 7DBS—and one was renewed after the ACMA accepted an enforceable undertaking given by the licensee (2MFM).
- > advertised for applications for 10 community radio broadcasting licences in Armidale, Bankstown and Narrandera (New South Wales); Cairns, Cherbourg and Palm Island (Queensland); Maryborough and Upper Murray (Victoria); Oatlands (Tasmania) and Goolwa (South Australia).

Of the 10 advertised licences, one has been allocated—Maryborough in Victoria (4 May 2011). Consideration of the other applications was ongoing at the end of the reporting period.

No community broadcasting licences were refused renewal, while three were surrendered (2TLC, 6SEN and 6TTT).<sup>10</sup>

There were 356 community radio broadcasting licences as at 30 June 2011, of which 78 were remote Indigenous broadcasting services.

All licence renewal applications were processed within 12 months of receipt by the ACMA. For the financial year, 97 per cent of licence renewal applications were initially assessed within four months of receipt.

### **Commercial radio broadcasting licences**

During 2010–11, the ACMA renewed 91 commercial radio broadcasting licences for services using the Broadcasting Services Bands. No new commercial radio broadcasting licences were allocated for services using the Broadcasting Services Bands during the reporting period.

As at 30 June 2011, there were 273 commercial radio broadcasting licences.

### **Licensing at end of simulcast**

Under the commercial and national television conversion schemes, broadcasters were invited to surrender existing digital and, as appropriate, analog broadcasting licences at the end of the simulcast periods for regional South Australia, Broken Hill and regional Victoria. New digital broadcasting licences were issued or converted as required by the schemes.

### **Commercial television**

As at 30 June 2011, there were 69 commercial television broadcasting licences.

During 2010–11, the ACMA renewed 11 commercial television broadcasting licences.

The ACMA also allocated one new commercial television broadcasting licence in each of the following regional and remote licence areas under section 38B of the BSA:

- > Spencer Gulf TV1
- > Mount Gambier South East TV1
- > Riverland TV1
- > Broken Hill TV1
- > Griffith and MIA TV1.

Under section 38B of the BSA, the ACMA may allocate additional commercial television broadcasting licences in markets that have only two such existing licences in force. A commercial television broadcasting licence that is allocated under section 38B (a section 38B licence) may only provide a commercial television broadcasting service in digital mode.

In 2010–11, the ACMA allocated three new commercial television licences under section 38C of the BSA:

- > South Eastern Australia TV3
- > Northern Australia TV3
- > Western Australia TV3.

Licences allocated under section 38C are to provide satellite-delivered commercial television broadcasting services that form part of the VAST service.

Other than licences issued under sections 38B or 38C of the BSA, the ACMA must not issue new commercial television broadcasting licences in the Broadcasting Services Bands unless directed by the Minister for Broadband, Communications and the Digital Economy, following a review. The initial review must be conducted by the minister before 1 January 2012.

### **Community television**

Community television broadcasting licences are allocated in the same manner as community radio broadcasting licences.

<sup>10</sup> 6SEN surrendered its community broadcasting licence, SL1150828, in the Perth RA2 licence area, as it was successful in its application for community broadcasting licence SL1150795 in the Perth RA1 licence area.

During the reporting period, the ACMA:

- > did not renew any community television broadcasting licences
- > advertised for applications for a community television broadcasting licence in Adelaide.

Consideration of applications for the Adelaide licence was ongoing at the end of the reporting period.

There were 81 community television broadcasting licences at 30 June 2011, of which 78 were remote Indigenous broadcasting services. The other three services are in Brisbane, Melbourne and Sydney.

**Community television trial**

During 2010–11, the ACMA decided to make spectrum available for further community television trials in:

- > Adelaide—for the period 5 July 2011 to 4 July 2012
- > Perth—for the period 16 April 2011 to 30 June 2013.

These services are made possible by a condition on the apparatus licences that they be used only to provide an open narrowcasting television service for community and educational non-profit purposes.

Spectrum became available for the Perth community television trial following cancellation of the community television broadcasting licence in 2008.

**Digitisation of community television services in metropolitan areas**

On 4 November 2009, the Minister for Broadband, Communications and the Digital Economy announced a pathway for five existing metropolitan community television services to convert to digital mode. The initiative provides for the temporary digital simulcast of three long-term community television services (in Sydney, Melbourne and Brisbane) and one trial community television service (in Adelaide), until the end of the simulcast period that applies to commercial and national services in their respective licence areas. Under the policy, the trial community television service in Perth may commence transmission in digital mode only (see Table 10).

The ACMA has allocated new apparatus licences to the broadcasters of each community television service to enable them to provide their digital services. These licences contain specific conditions that reflect the parameters set by the government's decision.

The ACMA is currently in the process of varying licence area plans in Sydney, Melbourne and Brisbane to allow CTV broadcasters in these areas to end their simulcast (and provide a digital-only service) if they wish, prior to the end of their respective commercial and national simulcast period.

**Table 10: Community television digital transmission start dates**

Area served	Digital transmission start dates
Sydney	March 2010
Perth	March 2010
Melbourne	May 2010
Brisbane	June 2010
Adelaide	September 2010

## Telecommunications licensing

### Carrier licensing

The ACMA is responsible for administering the regulatory regime that is established by the *Telecommunications Act 1997*. Under that Act, a carrier licence must be held by the owner of a telecommunications network unit if that unit is to be used to supply a telecommunications carriage service; for example, a telephone or internet service, to the public. This requirement applies unless the entity either:

- > enters into an arrangement by which a licensed carrier is nominated to have the responsibilities of a carrier in relation to those network units (nominated carrier declaration)
- > is exempted from the requirement to hold a carrier licence
- > has a certificate entitling it to conduct a trial of its services or operations without holding a carrier licence (a trial certificate).

The ACMA granted 18 carrier licences in 2010–11, all within the statutory 20-day time frame. This is a decrease compared to 2009–10, when 19 licences were issued. A licensed carrier can surrender its licence by providing a written notice to the ACMA—a total of four carriers did so in 2010–11.

As at 30 June 2011, there were 191 licensed carriers in Australia.

The ACMA has issued 120 nominated carrier declarations from 1 July 1997. In the 12 months from 1 July 2010, the ACMA has issued four nominated carrier declarations. Seven nominated carrier declarations were revoked.

As at 30 June 2011, there were 72 nominated carrier declarations in force.

A complete list of carrier licences and nominated carrier declarations is provided at Appendix 4.

The ACMA issued four trial certificates during the reporting period. The ACMA did not receive any applications for trial certificates in the previous reporting period.

## Telecommunications numbering

### Numbering Plan administration

The ACMA manages the Telecommunications Numbering Plan 1997 (the Numbering Plan), which sets out the framework for the numbering of carriage services in Australia and the use of numbers in connection with the supply of such services. The ACMA is also responsible for managing the existing numbering resource and planning for new numbering developments in Australia. The Numbering Plan was varied during the reporting period to amend the geographic numbering arrangements.

### Numbering Advisory Committee

The Numbering Advisory Committee (NAC) is a formally constituted advisory committee to the ACMA and comprises representatives of the telecommunications industry, telecommunications users, community groups and government. It formulates, administers and provides advice on numbering policy. The NAC primarily addresses issues relating to the development and management of the Numbering Plan, including the allocation and specification of numbers, and the distribution and administration of annual numbering charges. It also provides a forum for discussion and briefing on matters related to numbering.

The NAC was not required to meet formally during 2010–11. A NAC meeting scheduled to be held in Melbourne in November 2010 was expanded into a public workshop about the first consultation paper released by the ACMA as part of its continuing examination of pressures on the Numbering Plan (a case study about the numbering work program can be found on page 72).

### Number allocations register

The ACMA maintains a register of numbers allocated to carriage service providers (CSPs) and numbers that have been permanently transferred from one CSP to another. The information is contained within a database known as the Online Numbering System (NUMB). The database is accessed by CSPs to perform functions such as routing and billing; and applying, transferring and surrendering numbers. It is accessed by the ACMA to administer the Annual Numbering Charge (ANC).

## Numbering transactions

During 2010–11, the ACMA assessed 88 separate applications for numbers from 17 different CSPs. Some CSPs were allocated both geographic and other numbers. The most common number types applied for were geographic and digital mobile numbers. The time taken to process routine applications was approximately 4.1 working days, an improvement on 2009–10 when it took an average of 4.5 days. The time taken to process applications continues to decrease from a high of 5.13 working days in 2007–08. The ACMA credits its recent improvement to process improvements made in November 2009, when it phased out paper applications for most types of numbers and required CSPs to apply for, transfer and surrender numbers online.

During 2010–11, the ACMA met its statutory requirements and KPIs by processing numbering applications within the 10-day statutory time frame, with one exception. Due to an administrative oversight, one application for one block of geographic numbers took 13 working days to process.

In 2010–11, the ACMA allocated:

- > 1,072,800 geographic numbers, less than the 1,478,900 allocated in 2009–10
- > 5,900,000 digital mobile numbers, slightly more than the 5,610,000 allocated in 2009–10.

Table 11 shows the amount of numbers allocated by number type in 2010–11.

During 2010–11, the ACMA received five applications to surrender numbers from three CSPs. There were four notifications of permanent transfers of numbers between CSPs in 2010–11. Table 12 shows the numbers surrendered by number type and Table 13 shows the numbers transferred by number type.

**Table 11: Quantity of numbers allocated by number type during 2010–11**

Type of number	CSPs allocated numbers	Quantity of numbers allocated
Geographic	12	1,072,800
Digital mobile	4	5,900,000
Mobile network codes	1	2
International signalling point codes	3	7
LICS	1	2,000
<b>Total numbers allocated</b>		<b>6,974,809</b>

**Table 12: Quantity of numbers surrendered by number type during 2010–11**

Type of number	CSPs surrendering numbers	Quantity of numbers surrendered
Geographic	2	11,000
LICS	1	1,000
Operator service	1	1
Premium-rate and paging service	1	100,000
<b>Total numbers surrendered</b>		<b>112,001</b>

**Table 13: Quantity of numbers transferred by number type during 2010–11**

Type of number	CSPs transferring numbers	Quantity of numbers transferred
Geographic	4	470,500
<b>Total numbers transferred</b>		<b>470,500</b>

Industry Number Management Service (INMS) Ltd is contracted to the ACMA to provide delegated services to industry for freephone (1800), local-rate (13) and six- and eight-digit premium-rate numbers. Services undertaken by INMS include number allocations, withdrawals, reservations and placements in quarantine. Table 14 shows the quantity of numbers allocated by INMS and Table 15 shows the quantity surrendered in 2010–11 by number type.

Portability

Number portability enhances telecommunications competition and consumer convenience by enabling consumers to keep their telephone number(s) when changing to a new CSP. Number portability is available for local, mobile, and freephone and local-rate numbers, with industry codes that set out the procedures for each type of number portability. The ACMA has responsibility for registering new and revised industry codes, which makes them enforceable under the *Telecommunications Act 1997*.

The ACMA also receives and handles enquiries and complaints about number portability from industry and consumers. In some instances, the ACMA undertakes investigations and compliance action in accordance with its legislative powers as set out in the *Telecommunications Act*, the *Numbering Plan* and the relevant industry codes.

Provision is made in the *Numbering Plan* for circumstances where it may not be practical or in the long-term interests of end users for a carriage service provider to provide portability. Where appropriate, the ACMA may grant an exemption from the number portability requirements.

No exemptions from number portability were sought or granted in 2010–11.

Pre-selection

CSPs are required to make pre-selection available on request for a standard telephone service. Pre-selection allows a certain basket of calls to be automatically routed to an alternative provider, regardless of which CSP is providing the local call and access service for that standard telephone service. Pre-selection includes national long-distance calls, international and mobile calls but does not include local calls.

The primary purposes of pre-selection are to give customers choice and foster greater competition by enabling providers to use the networks of their competitors to access customers.

The pre-selection requirements are governed by the registered telecommunications industry code *ACIF C515:2005 Pre-selection*. This code specifies the minimum industry standards and procedures for the provision of pre-selection. It sets out the principles and processes to be followed by access service deliverers and prime service deliverers for implementing, maintaining and changing a customer’s choice of prime service deliverer.

Table 14: Quantity of numbers allocated by INMS by number type and digit length during 2010–11

Type of number	Quantity of numbers allocated
Freephone and local-rate (1800, 1300, 13)	33,038
Premium-rate numbers (six- and eight-digit 19 numbers)	99
<b>Total numbers allocated</b>	<b>33,137</b>

Table 15: Quantity of numbers surrendered by INMS by number type and digit length during 2010–11

Type of number	Quantity of numbers surrendered
Freephone and local-rate (1800, 1300, 13)	13,702
Premium-rate numbers (six- and eight-digit 19 numbers)	581
<b>Total numbers surrendered</b>	<b>14,283</b>



In accordance with its legislative powers under the Telecommunications Act, the ACMA is able to exempt a carrier/CSP from the obligation to provide pre-selection. No exemptions were sought or granted during 2010–11.

### **Geographic numbering amendments**

In early 2011, the ACMA changed the geographic numbering rules to improve flexibility in the Numbering Plan. The amendments, which came into effect on 1 February 2011, recognise the realities of newer services like voice over internet protocol (VoIP).

The amendments remove the limitations on outbound-only services (including VoIP) and provide a framework to govern the use of geographic numbers when used for services outside their normal service area. The implementation of these amendments represents a small but important step in regulatory transition for VoIP and other converged services. It supports innovation in the new telecommunications services being offered to Australian consumers.

While VoIP services have been available in Australia for some time, these amendments give VoIP providers more certainty about how numbers can be used and what information they must provide to consumers if the geographic numbers are issued to customers out of area.

Obtaining a telephone service that uses an out-of-area number is an attractive option for some consumers; however, there are some potential implications that they need to be aware of before agreeing to accept an out-of-area number:

- > if a caller makes a call to a number that is out of area, he or she may be charged as if the service is located in the standard zone unit (SZU) identified by the number and not the SZU it is actually located in
- > if a consumer receives an out-of-area number and then wishes to change providers but keep the number, he or she may not be able to find a CSP that is willing to accept the number.

The amendments require CSPs who offer services using out-of-area numbers to inform their customers of these implications before supplying them with a service. The ACMA supported the introduction of these changes by providing information about them to industry participants and conducting an awareness campaign for consumers. The ACMA expects providers to adapt to the new rules in 2011 and it will start compliance monitoring in the next reporting period.

### **Directory assistance service**

In January 2011, the ACMA approved Telstra's proposal to provide a business category search function on the 1223 directory assistance number. The ACMA considered that the new function would not diminish access to the low-cost or free directory assistance provided on 1223.

## Case study

# The numbering work program — regulating in a converged communications environment

Numbering, naming and addressing are intrinsic to the design of communication networks because they provide the information that enables communication users to be connected. During 2010 and 2011, the ACMA examined the arrangements for telephone numbering in response to issues raised by:

- > consumers and industry
- > pressures as a consequence of technical innovation
- > innovation in services and business models and changes in consumer behaviour
- > difficulties in achieving compliance
- > the unnecessary complexity of present numbering arrangements.

The last major review of the arrangements occurred nearly 20 years ago. Since then, consumer behaviour, and service offerings and preferences have changed significantly, along with technology and the structure of the industry supplying services. For example, voice calls are now just one of several common means of electronic communications. There are twice as many mobile services as fixed services and, for nearly half of Australian adults, mobiles are now the main or most important communication service.

During the year, the ACMA released four consultation papers that discussed the pressures on the current arrangements and focused on specific numbering issues. It intends to issue a directions paper later in 2011 summarising the feedback received and identifying the changes that may be needed to improve the efficiency and effectiveness of the Numbering Plan and related numbering arrangements. In addition to the consultation papers, the ACMA held a series of workshops with key stakeholders in 2010.

The first consultation paper, *Numbering: Structure of Australia's telephone numbering plan*, released in October 2010, set out the role that telephone numbers play in communication networks. It outlined the evolution of the Numbering Plan and provided an overview of some of the technology, services and user pressure on the structure of the plan. The paper discussed the history and role of the major service types such as local, mobile, freephone and local-rate services, noting where issues have been identified by the ACMA, industry or consumers. It also sought feedback on possible solutions including geographic number sector boundaries and the cost of calls from landline and mobile phones using freephone and local-rate numbers.

The second consultation paper, *Numbering: Customer location information and numbering data* (January 2011), examined the different attributes of numbers and how communication users, service providers and other organisations use this information. In the past, one of the most important number attributes has been the location of a customer who is using a telephone number.

This paper looked at the challenges facing emergency service and law enforcement agencies in obtaining customer location information today, when telephone numbers are a less reliable source of that information. Services such as mobiles and VoIP are now more easily portable, meaning when information about real-time location and past communications is required, such information is no longer linked to a telephone number.

The third consultation paper, *Numbering: Allocation and charging of numbers* (March 2011), examined the allocation arrangements for numbers and also considered whether the assumption of number scarcity is the most appropriate basis on which to set allocation rules and charges, and manage future demand for telephone numbers.

The fourth and final consultation paper, *Numbering: Implications of research into consumer issues* (May 2011), examined the role of numbers in delivering outcomes for consumers, including through promoting price information and supporting competition by reducing the costs of changing service providers. It also provided an overview of the key findings of ACMA-commissioned research into how Australians use their communication services, their awareness of the structure of call price information embedded in telephone numbers and their understanding of how numbers convey the level of call charges.

## Revenue and fees

The ACMA is responsible for the efficient regulation and allocation of public resources such as telecommunications numbering and the radiofrequency spectrum. These public resources are indispensable inputs to industry in the innovative and dynamic communications sector of the economy.

The ACMA collects revenue on an annual basis through broadcasting, radiocommunications and telecommunications licence fees, and charges for telecommunications numbers. The administration of fees, taxes and charges plays a key role in the efficient planning, allocation and use of public resources.

Where feasible under the applicable legislation, the ACMA sets fees, taxes and charges so they support the effective use of public resources. They also recover the costs of regulating the industry. In accordance with government cost-recovery policy and guidelines, and where it is cost-effective, the ACMA seeks to charge individuals or firms for the costs of providing the activity.

Revenue raised by the ACMA in taxes, charges, levies and other revenue is shown in tables 16 to 19.

**Table 16: Resource taxes**

Description	Revenue in 2009–10 (\$m)	Revenue in 2010–11 (\$m)
Spectrum auctions	0.000	0.000
Apparatus auctions	0.048	0.834
Number auctions	3.061	2.028
Annual numbering charge	60.000	60.000
Apparatus licence tax	153.897	161.885
Broadcasting licence fees and datacasting charge	214.425	150.449
<b>Total taxes</b>	<b>458.431</b>	<b>375.196</b>

**Table 17: Cost recovery charges**

Description	Revenue in 2009–10 (\$m)	Revenue in 2010–11 (\$m)
Annual carrier licence charge	39.549	37.698
Spectrum licence tax	0.322	0.398
Fee for service charges	2.399	2.834
Do Not Call Register charges	2.316	2.797
<b>Total charges</b>	<b>44.586</b>	<b>43.727</b>

**Table 18: Industry levies**

Description	Revenue in 2009–10 (\$m)	Revenue in 2010–11 (\$m)
USO levy	144.457	144.411
NRS levy	15.578	16.243
<b>Total levies</b>	<b>161.035</b>	<b>160.654</b>

**Table 19: Other administered revenue**

Description	Revenue in 2009–10 (\$m)	Revenue in 2010–11 (\$m)
Fines and penalties	23.337	0.189
Other	0.295	0.360
<b>Total other administered revenue</b>	<b>23.632</b>	<b>0.549</b>

## USO funding and subsidies

Under the *Telecommunications (Consumer Protection and Service Standards) Act 1999*, the ACMA provides advice to the Minister for Broadband, Communications and the Digital Economy to help determine the amount of subsidy for supplying the Universal Service Obligation (USO). The amount of the USO obligation is shared by the telecommunications carriers through the application of a levy.

On 24 May 2011, the ACMA provided the USO subsidies advice to the minister in response to his direction of 24 February 2011. On 24 June 2011, the minister set the aggregate USO subsidy for 2010–11 at \$145,076,237. This is the same amount that has applied since 2007–08.

Telstra, as the universal service provider, is eligible to submit a claim each year for the cost of providing the USO up to the amount of the universal service subsidy. For the 2010–11 claim period, Telstra submitted a claim for \$145,076,237. The claim amount was consistent with the total subsidy set by the minister.

## USO eligible revenue assessment

Any participating person holding a telecommunications carrier licence for any time during a financial year is required to submit an eligible revenue return so that the ACMA may determine each carrier's eligible revenue. For the 2009–10 period, participating persons were required to lodge returns with the ACMA by 31 October 2010. The ACMA made the written assessment of participating persons' eligible revenue for the 2009–10 eligible revenue period on 9 June 2011.

The primary function of the eligible revenue process is to determine the contribution that each participating person makes towards the cost of providing the USO, based on their proportion of total industry eligible revenue. The eligible revenue process is also used to determine each participating person's contribution to the National Relay Service (NRS) levy and annual carrier licence charges.

The ACMA will make a written assessment in the next financial year for each participating person's eligible revenue for 2010–11.

## Annual carrier licence charges

Annual carrier licence charges are imposed on carriers so that the ACMA may recover the cost of regulating the telecommunications industry, by both the ACMA and the ACCC. Carrier licence charges include a fixed and variable component based on the carrier's proportion of total industry revenue (as determined by the USO eligible revenue assessment).

In 2010–11, the total annual carrier licence charge was \$37.698 million.

## Do Not Call Register access fees and cost recovery

The telemarketing and fax marketing industry contributes to the cost of operating and maintaining the Do Not Call Register through the payment of subscription fees determined by the ACMA on a cost recovery basis. During the reporting period, the annual subscription fees range from \$79 to check or 'wash' up to 20,000 numbers against the register to \$90,000 to wash up to 100 million numbers. There is also a subscription type that allows telemarketers to wash up to 500 numbers each year at no cost.

The ACMA engages an independent consultancy to help determine the access fees. The cost recovery arrangements for the register are based on 'fee-for-service' and do not include the costs to establish the register or the ACMA's regulatory costs associated with monitoring and enforcing compliance with the register.

In 2010–11, the total revenue from Do Not Call Register cost recovery charges was \$2.797 million.

## Numbering charges

On behalf of the Australian Government, the ACMA collects a set amount of revenue each year from CSPs that hold telephone numbers. The ACMA collects this revenue through the annual numbering charge (ANC). The ANC revenue target is set by the government through the Federal Budget. The ANC revenue target has not changed since 1998. As was the case in previous years, the ANC revenue target for 2010–11 was \$60 million.

The ACMA administers the process in accordance with the Telecommunications Act, the *Telecommunications (Numbering Charges) Act 1997* and a series of four determinations made by the ACMA under those Acts. The determinations establish key parameters of the process (such as the census date discussed below and the formula used to ascertain the amounts of charge to be applied to particular numbers).

The determinations under which the numbering charge process is administered are:

- > the Imposition of Annual Charge – Date Determination, which sets the date on which charges are imposed (that is, the census date)
- > the Telecommunications (Due Date for Annual Charge) Determination 1999, which sets the due date for payment of charges
- > the Telecommunications (Annual Numbering Charge – Late Payment Penalty) Determination 2000, which sets out rules for the imposition and remission of late payment penalties
- > the Telecommunications (Annual Charge) Determination 2007 (No. 2), which sets the formula used to ascertain the amounts of annual charge (this determination does not set out the actual amounts to be charged).

CSPs are liable for the charges they incur for the numbers they hold on the census date. The census date is in April with the exact date determined by the ACMA each year. The census date for 2010–11 was 3 April 2011. To enable the ACMA to determine the quantity of numbers held by each CSP on the census date, an embargo on the surrender of most numbers commences 15 working days prior to the census date each year. In 2010–11, the embargo commenced on 11 March.

## Amount of charge

The base number charge for 2010–11 was \$0.6946386328. Employing the opportunity cost methodology applied in previous years, nine-digit numbers were charged at \$6.946386328, eight-digit numbers at \$69.46386328 and so on. Three- and four-digit numbers were charged at \$100,000, the maximum rate allowable under the *Telecommunications (Numbering Charges) Act 1997*.

Numbers used for incoming-only international services, internal network services and testing services were subject to a reduced rate of charge. Geographic numbers allocated to a CSP for the purposes of providing a standard telephone service to a customer are exempt from the charge.

As at 30 June 2011, the ACMA had received \$56,254,190.70 of the \$60 million revenue target. The amounts outstanding for each CSP are shown in Table 20.

## Number auctions

In 2004, the **smartnumbers**® auction system was introduced to allocate certain freephone and local-rate numbers (FLRNs) — 13, 1300 and 1800 numbers. An auction system is an efficient way to allocate freephone and local-rate numbers that are likely to be highly valued by industry, government or the community sector. Winning bidders for smartnumbers are entitled to the enhanced rights of use (EROU) to the number, including the ability to trade or lease the rights to the smartnumber. The winning bidder may retain the EROU to a smartnumber for up to three years without an active service in place.

During 2010–11, the ACMA continued to improve the customer experience for smartnumbers users. The ACMA is finalising a more useable web interface for auctions that is based on work from a web design company. The new website will be implemented in the first quarter of the next reporting period and is expected to benefit users as well as deliver productivity gains to the ACMA. During 2010–11, the ACMA also implemented an enhanced phone answering system that allows users to obtain a range of information quickly.

Auctions for smartnumbers are generally held fortnightly. In 2010–11, the ACMA raised \$2,091,095 in revenue from the sale of 5,399 numbers through the smartnumbers auction process, in contrast to the \$3,157,638 in revenue raised from the sale of 4,974 smartnumbers in 2009–10. On 8 May 2010, the ACMA reduced the reserve price for most smartnumbers. In 2010–11, the demand for smartnumbers changed little but the revenue reduced. The ACMA continued to meet its KPIs for smartnumbers auctions by regularly and efficiently conducting auctions.

## Apparatus licence taxes

As indicated in Table 16, the ACMA uses taxes on the issue of radiocommunications apparatus licences to support the efficient use of spectrum and recover the indirect costs of spectrum management. The tax is calculated by a formula that makes fees determinate, consistent, equitable and transparent. The formula encourages efficiency by making taxes higher in congested locations and spectrum bands, making taxes proportional to the bandwidth and giving discounts for low power.

In 2011, the CPI adjustment of 3.05 per cent, reflecting price changes from June 2008 to June 2009, applied to all licence taxes except for fixed services operating below 960 MHz in remote density areas.

## Spectrum licence tax

The spectrum licence tax is imposed on all holders of spectrum licences at 11 October each year. The total amount of tax on each band is disclosed before the allocation and does not change over the life of the licence. The total amount of tax is split between licensees in each band based on the bandwidth and the population covered by their licences. In 2010–11, the ACMA collected a total of \$397,722.66 in spectrum licence tax.

**Table 20: Annual numbering charge amounts outstanding at 30 June 2011**

<b>CSP</b>	<b>Amount outstanding (\$)</b>
AMPM Telecom Pty Ltd	100,000.00
Lycamobile Pty Ltd	1,492,175.99,
Savvy Communications (Aust) Pty Ltd	24,578.40
Virgin Mobile (Australia) Pty Ltd	2,063,515.75
Voiamo Pty Ltd	3,469.72
Voicetek Pty Ltd	6,946.39
Westnet Pty Ltd	9,827.05
Woolworths Ltd	45,296.00
<b>Total</b>	<b>3,745,809.30</b>

*Note: Does not include late payment penalties that apply after 15 June 2011, the due date for payment.*



**Broadcasting licence fees and datacasting charge**

The ACMA collects broadcasting licence fees from commercial radio and television broadcasting licence holders under the *Television Licence Fees Act 1964* and the *Radio Licence Fees Act 1964*. Supporting documentation is required under sections 205B and 205C of the BSA. Fees are calculated as a percentage of the gross earnings of the licence holders for each broadcasting licence fee period less any rebates that apply.

Under the *Datacasting Charge (Imposition) Act 1998*, a datacasting charge is collected from commercial television broadcasting licensees who also hold a transmitter licence issued under the Radiocommunications Act and use the transmitter licence to provide a datacasting service(s) authorised by a licence under Schedule 6 of the BSA. The ACMA collected \$0.012 million from datacasting services in 2010–11.

**Broadcasting licence fees**

The ACMA calculated a total of \$252.7 million in licence fees due and payable for the 2009–10 period. Television broadcasters have paid a total of \$231.4 million in broadcasting licence fees, and radio broadcasters have paid a total of \$21.4 million in broadcasting licence fees.

Table 21 shows total broadcasting licence fees assessed in the last three financial years.

**Regional Equalisation Plan**

The Australian Government introduced a Regional Equalisation Plan (REP) in 2000–01 to assist the rollout of digital television broadcasting services to regional and remote Australia. REP rebates against annual licence fees administered by the ACMA, and, where necessary, supplementary grants administered by DBCDE, are claimable by broadcasters based on their area’s progress in rolling out digital television services, with the scheme ending on 31 December 2017. Commercial television broadcasters claimed total REP rebates of \$4.1 million in 2010–11.

**New broadcasting licence fee rebate**

On 15 June 2010, the Television Licence Fees Amendment Regulations 2010 (No. 1) were signed by the Governor-General. These regulations implement the broadcasting licence fee rebate. This rebate will apply the 2009–10, 2010–11 and 2011–12 broadcasting licence fee financial reporting periods at a rate of 16.5 per cent, 41.5 per cent and 25 per cent respectively of the amount of fees otherwise payable under the *Television Licence Fees Act 1964*. To be eligible for the rebate in 2010–11 and 2011–12, commercial television broadcasting licensees must have complied with the Australian Content Standard for the relevant period. Commercial television broadcasters claimed a total of \$45.7 million in broadcasting licence fee rebate in 2010–11.

See also *Content regulation* on page 124.

Table 21: Broadcasting licence fees

	Number of licences			Total (\$m)		
	2008–09	2009–10	2010–11	2008–09	2009–10	2010–11
Radio licence fees	273	273	273	24.1	22.8	21.4
TV licence fees obligation	55	59	71	296.1	281.0	281.2
Less digital TV conversion rebate				9.3	4.4	4.1
Less broadcasting licence fee rebate				–	–	45.7
TV licence fees				286.8	276.6	231.4



## Technical regulation

---

The ACMA works closely with industry in fostering self-regulation and supports it in the development of technical standards that the ACMA may mandate, taking into consideration its obligations under the Telecommunications Act, the Radiocommunications Act and the BSA.

To achieve desired policy outcomes, the ACMA can mandate technical standards that are predominantly given regulatory effect through compliance and labelling obligations placed on all suppliers of electrical and electronic equipment including telecommunications and radiocommunications devices.

The Technical Advisory Group (TAG) is an industry consultative forum established and chaired by the ACMA. TAG members include supplier and consumer industry sector representatives, representatives of Standards Australia and the National Association of Testing Authorities, and ACMA staff from technical regulation areas.

During 2010–11, TAG members considered whether the technical regulatory framework remains appropriate to a converged communications environment.

The TAG discussions are complemented by discussions held under the auspices of the Technical Working Group (TWG). The TWG is a standing working group of TAG and comprises carriers, standards development organisations, testing laboratories, supplier representatives and independent consultants from a range of compliance management areas. TWG meetings are held to discuss issues raised by the ACMA or industry, or at the request of the TAG.

In 2010–11, the ACMA handled 2,965 written and 1,881 telephone enquiries about its technical standards and compliance and labelling arrangements.

### Regulatory arrangements—technical standards and labelling notices

The ACMA administers mandatory regulatory arrangements that require specified items of equipment to meet these industry-developed standards.

Under these arrangements, the ACMA requires suppliers—Australian manufacturers, importers or their agents—to:

- > ensure equipment subject to mandatory regulatory arrangements complies with technical standards
- > apply compliance labels to those items where appropriate
- > keep appropriate records.

The ACMA administers five regulatory arrangements, as follows:

- > telecommunications regulatory arrangements, which specify requirements for telecommunications equipment and cabling
- > radiocommunications regulatory arrangements, which specify requirements for radiocommunications transmitters
- > electromagnetic compatibility (EMC) regulatory arrangements, which specify electromagnetic emission requirements for electrical and electronic devices to limit unintended radiation
- > electromagnetic energy (EME) regulatory arrangements, which set health exposure limits on emissions from radiocommunications transmitters
- > broadcasting regulatory arrangements, which can specify technical standards for specified digital broadcasting equipment and domestic digital receivers.

### Labelling notices

The ACMA's four labelling notices require suppliers to apply a label (regulatory compliance label) to specified devices to illustrate compliance with the requirements of the relevant notice. There are currently three compliance marks—C-Tick, A-Tick and the Regulatory Compliance Mark (RCM)—that are used in particular instances to demonstrate compliance with the requirements of the identified technical regulatory arrangements.

The ACMA intends to consolidate these compliance marks into a single regulatory compliance mark—the RCM—covering telecommunications, radiocommunications, EMC and EME. The RCM also indicates compliance with electrical equipment safety requirements under Australian state and territory legislation. The implementation of a consolidated compliance mark will lessen industry administrative burdens by reducing the complexity of regulatory arrangements and consequently the time required by industry to comprehend and abide by those arrangements.

The ACMA has been working closely with state and territory electrical equipment safety regulators to align the consolidated compliance mark proposal with the review of electrical equipment safety legislation undertaken under the auspices of the Electrical Regulatory Authorities Council (ERAC). Under the new electrical equipment safety system (EESS), suppliers of in-scope electrical equipment will also be required to label products with the RCM.

In June 2011, the ACMA sought public comment on the implementation issues and the proposed amendments to the labelling notices. The ACMA currently intends that the new arrangements will commence in July 2012 with a transition period of three years.

The regulatory arrangement under which the ACMA makes technical standards for broadcasting is an exception in so far as there are currently no labelling or record-keeping obligations associated with the compliance arrangement. This stems from different approaches to labelling schema between the BSA and the other Acts. The ACMA expects, if it proves necessary to implement labelling and record-keeping requirements for digital broadcasting equipment or domestic digital receivers, that such requirements would be developed in line with any progress to consolidation of the telecommunications, radiocommunications, EMC and EME labelling arrangements.

### **Technical standards, codes and guidelines**

The ACMA participates in Communications Alliance reference panels as required, working committees and Standards Australia technical committees to ensure that industry codes, technical standards and guidelines meet the minimum necessary regulatory requirements for technical regulation.

The ACMA only mandates a standard that is suitable for adoption under the ACMA heads of power for the relevant arrangement—for example, health and safety, radiofrequency interference, network integrity and emergency call access. These are identified within the various Acts under which a standard is made. The ACMA may also choose to determine a standard in response to a ministerial direction on the general exercise of its powers in relation to broadcasting, content and datacasting functions, in accordance with section 14 of the ACMA Act.

During the reporting period, the ACMA participated in various meetings with industry representative bodies, providing input to the creation and updating of industry standards, codes and guidelines. The ACMA also attended exhibitions and tradeshow to promote awareness of the regulatory arrangements.

### **Telecommunications standards**

The ACMA engages with the telecommunications industry through its involvement with Communications Alliance and Standards Australia to manage a suite of mandatory telecommunications standards.

Communications Alliance is the peak standards development organisation for telecommunications standards other than safety standards, which are developed by Standards Australia. Both undertake this work using an open and consultative process that includes comprehensive public consultation.

During 2010–11, the ACMA received five submissions from Communications Alliance for changes to technical standards in the regulatory arrangements. The ACMA amended the Telecommunications Labelling (Customer Equipment and Customer Cabling) Notice 2001 twice in the reporting year to incorporate changes identified in the submissions. These amendments took effect in October 2010 and May 2011.

The October 2010 amendment to the notice:

- > introduced a new technical standard, AS/CA S003-2010 parts 1, 2 and 3, for customer access equipment, including for analog and TDM-based technologies and for packet and cell-based technologies
- > clarified the policy intent of provision of documentation specifying correct installation and operation of customer equipment.

The May 2011 amendment to the notice introduced a number of new technical standards:

- > AS/CA S002-2011 for PSTN customer equipment
- > AS/CA S008-2011 for customer cabling products
- > AS/CA S042.1-2011 for general requirements of PMTS and Satellite Service air interfaces
- > AS/CA S042.4 for IMT-2000 (3G) customer equipment
- > AS/NZS 60950.1-2011 for general safety requirements of customer equipment.

### **Radiocommunications standards**

In managing the supply of radiocommunications devices, the ACMA engages with the radiocommunications industry through its involvement with Standards Australia working committees RC4 and RC6. Standards Australia is the national standards development organisation and undertakes this work through an open and consultative process that includes comprehensive public consultation.

The ACMA mandates appropriate aspects of industry radiocommunications standards by way of standards made under section 162 of the Radiocommunications Act. The ACMA's radiocommunications standards may adopt the industry standard in whole or in part and include specified variations for Australian conditions as required. The ACMA undertakes this work through a process that includes comprehensive stakeholder consultation.

The ACMA's radiocommunications laboratory provides a testing facility—accredited by the National Association of Testing Authorities (NATA)—capable of testing equipment for compliance with these standards.

The requirement to label devices scoped by these standards is given effect through the Radiocommunications Devices (Compliance Labelling) Notice 2003.

The Radiocommunications (Short Range Devices) Standard 2004 automatically adopts the latest published version of the applicable industry standard AS/NZS 4268, for these devices. The latest amendment to AS/NZS 4268:2008 was published and consequently became mandatory in accordance with the ACMA standard in the 2009–10 reporting year. Standards Australia agreed to support updates to AS/NZS 4268 to align it with the ACMA's spectrum planning arrangements.

All other ACMA radiocommunications device standards adopt a fixed version of the applicable industry standard and, when a new version is published, the ACMA standard must be amended to adopt it. Where an amendment is made to these industry standards, the ACMA standards automatically adopt the amendments.

During 2010–11, the ACMA made a new standard for UHF Citizen Band radio equipment providing performance requirements suitable for equipment designed to work in the new narrowband (12.5 kHz) channelling requirements of the 400 MHz band restructure. The new standard is the Radiocommunications (UHF CB Radio Equipment) Standard 2011 (No. 1).

### **Electromagnetic compatibility standards**

The ACMA has responsibility under the Radiocommunications Act for the regulation of electromagnetic compatibility (EMC).

The EMC regulatory arrangement objectives are to:

- > minimise electromagnetic emissions from electrical and electronic devices that could disrupt radiocommunications services, while maximising opportunities for Australian industry in international markets
- > facilitate importation of products that will benefit the Australian community.

The EMC regulatory arrangements comprise two major elements:

- > technical standards for electromagnetic emissions (EMC technical standards) made under section 162 of the Radiocommunications Act
- > compliance (including record-keeping and labelling) requirements made under section 182 of the Radiocommunications Act.

Under an arrangement concluded in October 2007, Standards Australia Technical Committee TE-003 (which is responsible for developing EMC technical standards in Australia, including input to the development of international EMC technical standards) recommends to the ACMA the technical standards to be referenced in the EMC regulatory arrangements. Consistent with Australia's World Trade Organization obligations, the EMC regulatory arrangements utilise international standards for EMC to the maximum extent practicable.

### **Digital television standards and codes**

The ACMA consults with industry and assists in the development of appropriate technical standards through Standards Australia processes. Furthermore, the ACMA may determine technical standards that relate to specified broadcast transmitters and broadcast reception equipment operating in digital mode.

#### **Parental lock standard**

The ACMA determined the Broadcasting and Datacasting Services (Parental Lock) Technical Standard 2010 on 28 July 2010 in response to a ministerial direction—Australian Communications and Media Authority (Development of Technical Standards for Domestic Digital Television Reception Equipment) Direction No. 1 of 2009). The standard commenced on 4 August 2010 and, from 4 February 2011, made parental lock a mandatory feature in specified new models of digital television reception equipment sold in Australia.

By requiring particular domestic reception equipment to have parental lock capabilities, the standard is designed to protect children from viewing material that may be inappropriate or harmful, and support parents and guardians in protecting their children from such content.

The ACMA intends that the requirements specified in this standard be incorporated into the Standards Australia industry standard at its next revision.

### **Electronic program guide principles**

Digital television electronic program guides (EPGs) provide significant value to consumers both as a convenient source of program schedule information and by contributing to the effective operation of reception equipment features such as parental lock.

In recognition of the importance of EPG services to consumers, the ACMA published a set of EPG principles in June 2009 to provide a clear performance benchmark for the supply of EPG data by free-to-air broadcasters.

During the reporting period, the ACMA monitored the performance of industry EPGs against these principles. By the end of the reporting period, it found all free-to-air broadcasting networks to be reliably providing EPGs that met the benchmark set by the principles.

### **Electromagnetic energy standards**

The ACMA's electromagnetic energy (EME) health exposure regulatory arrangement requires a wide range of radio transmitter installations and portable equipment, such as mobile phone handsets, to comply with EME limits set out in a standard published by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA). The ARPANSA standard is based on guidelines from the internationally recognised International Commission for Non-Ionizing Radiation Protection (ICNIRP), which has been adopted by many other countries. The EME arrangement addresses possible adverse health effects without unnecessarily compromising the benefits that radiocommunications technologies bring to modern living.

To comply with the EME exposure limits, licensees need to have their transmitter installations assessed, and manufacturers and importers of mobile phones and similar equipment must have their products tested for compliance before supply is permitted to the Australian market. Significant penalties apply for breaches of the EME arrangement.

During 2010–11, the ACMA amended the Radiocommunications (Electromagnetic Radiation – Human Exposure) Standard 2003 to adopt international and European test methodologies used in the EME exposure assessment of mobile/cordless phones and similar portable devices. This further harmonises Australian and international practices, reducing the regulatory burden on manufacturers and suppliers while maintaining existing protection levels.

The ACMA will continue to work closely with ARPANSA so that its regulatory arrangements continue to reflect the ARPANSA standard.

### **Prohibited customer equipment—mobile phone boosters**

Mobile carriers have identified the use of mobile phone boosters as a cause of significant interference to mobile telecommunications networks, affecting coverage and therefore consumer access to cellular networks. In the worst case, the use of mobile phone boosters has the potential to restrict access to the emergency call service.

In May 2001, the former ACA made a declaration under section 450 of the Telecommunications Act prohibiting the operation or supply, or possession for the purpose of operation and supply, of GSM and CDMA mobile phone boosters.

At the time the 2001 declaration was made, public mobile telecommunications services (PMTS) were supplied only by means of GSM and CDMA technologies. The technical evolution of mobile telecommunications networks means that new technologies have been introduced. As a consequence, the 2001 declaration no longer reflects the contemporary technical and commercial operating environment.

Following these developments and a recommendation from Communications Alliance requesting the ACMA to update the 2001 declaration, the ACMA undertook a review of the regulatory framework surrounding mobile phone boosters.

In February 2011, the ACMA released a draft of a proposed new declaration for public comment. The ACMA received seven submissions in response to the invitation for public comment; these are available on the ACMA website.

Having taken public comments into account, the ACMA made the Telecommunications (Prohibition of Mobile Phone Boosters) Declaration 2011. It maintains the original policy intent of the 2001 declaration to protect PMTS from substantial interference, disruption or disturbance, in a technology-neutral environment. It also includes a provision for the revocation of the 2001 declaration.

### **Cabling regulation**

Under the Telecommunications Act, the ACMA has regulatory powers in relation to the setting of performance standards for cabling installation practices.

The ACMA's approach to the regulation of customer cabling includes:

- > overseeing the industry-managed cabling registration scheme
- > monitoring and enforcing compliance with cabling regulatory requirements
- > supporting greater cabling industry self-regulation
- > promoting consumer and industry awareness of regulatory arrangements of customer cabling.

### **Cabling registration scheme**

Cabling Provider Rules (CPRs) are based on an industry-managed national registration system. Five industry bodies are currently accredited by the ACMA to be registrars under CPRs. These registrars issue registrations to cablers.

At 30 June 2011, there were 65,696 cablers registered under CPRs. The ACMA continues to monitor the performance of registrars in meeting their contractual obligation to provide registration services to the cabling industry. The ACMA works with registrars to improve reporting arrangements and monitor service delivery levels across the industry through quarterly meetings of the Registrars' Coordinating Committee. The ACMA also meets quarterly with the Cabling Advisory Group (CAG) on technical issues and related cabling policy, which includes a wide range of representatives from the cabling industry.

## Customer cabling for the National Broadband Network (NBN)

On 10 March 2011, the ACMA held an industry roundtable to discuss customer cabling issues relating to the NBN. The meeting was attended by representatives from the cabling industry and government, and provided an open forum to identify customer cabling issues that are likely to arise during the provision of the NBN and how they could be addressed.

As a result of the meeting, the ACMA undertook to assess whether the existing competencies under the CPRs are suitable for the current and future cabling environment. This review will be undertaken at the same time as a review of AS/CA S009 by Communications Alliance. AS/CA S009 is the industry publication containing the installation practices for customer cabling connected to a telecommunications network.

## Telecommunications (Types of Cabling Work) Declaration 1997

In November 2010, an amendment to the Telecommunications (Types of Cabling Work) Declaration was made to adopt the industry guideline: *G642:2010 – Installation of Broadcast Cabling and Connection of Digital Broadcast Equipment to a Telecommunications Network*.

The adoption of the industry guideline allows broadcasters and narrowcasters to perform cabling work for digital devices without having to be a registered cabler. Previously, broadcasters and narrowcasters were only exempt from the requirement to be a registered cabler for cabling work for analog devices.

## Consumer and industry awareness of cabling regulation

The ACMA has continued to promote awareness of cabling regulations and their application by making information brochures available to consumers, registered cablers and registrars. Print-based advertising has also been included in a variety of trade publications. In addition, the ACMA makes available bumper stickers to registered cabling providers promoting the ‘Play it safe—only use a registered cabler’ campaign message.

The ACMA participated in industry seminars and conferences to promote the CPRs and provide information about cabling regulation developments. The ACMA also contributed articles and regular features about technical or regulatory issues to trade and industry publications and newsletters distributed by registrars to registered cablers.

## Certification bodies

Under the Telecommunications Labelling (Customer Equipment and Customer Cabling) Notice 2001, a certification body may issue a statement to a supplier certifying that an item of customer equipment or cabling meets a particular section 376 technical standard. The ACMA has established guidelines for the use of certification bodies. A certification body is expected to take these guidelines into account when making decisions to issue written statements certifying that customer equipment or customer cabling complies with applicable section 376 technical standards.

During 2010–11, the Executive Manager, Infrastructure Regulation Branch, acting as an approving body under subsection 410(1) of the Telecommunications Act, determined three entities to be certification bodies for the purposes of Division 7 of Part 21 of the Act. Details of the entities are listed on the ACMA website.

## Telecommunications infrastructure regulation

### Carriers’ rights and obligations

Schedule 3 of the Telecommunications Act gives carriers the power to inspect land to determine whether it is suitable for their purposes, install certain facilities on the land and maintain a facility that is situated on the land.

The Telecommunications (Low-impact Facilities) Determination 1997 specifies the types of facilities, known as ‘low-impact’ facilities, that carriers are entitled to install without seeking state, territory or local government planning approval. Low-impact facilities include small radiocommunications antennae and dishes that are erected on existing towers or buildings, underground and above-ground housing, underground cables, public payphones and temporary emergency facilities. Low-impact facilities are subject to certain restrictions on size, colour and location.

The installation of telecommunications facilities that fall outside the scope of the Low-impact Facilities Determination are likely to require approval by relevant state, territory or local planning authorities. In exercising their powers to inspect land, install certain facilities and maintain infrastructure, carriers must comply with conditions specified in the Telecommunications Code of Practice 1997.



Under the code, carriers must notify the owner and occupier of the land about their activities, ensure as little detriment and damage as possible is caused by the activity and restore the land to a condition similar to how it was before the activity commenced.

The ACMA may investigate suspected breaches of the Telecommunications Act, the Code of Practice and industry codes registered by the ACMA.

### **Enquiries and complaints about carriers' rights and obligations**

In 2010–11, the ACMA received one complaint about matters covered by Schedule 3 of the Telecommunications Act, and advice was provided to the complainant. The ACMA also received 32 enquiries from local councils, solicitors, landowners and the public about Schedule 3 of the Telecommunications Act and the Code of Practice.

### **Deployment of mobile phone network infrastructure**

The planning and installation of mobile phone network infrastructure is subject to the requirements imposed by the Industry Code ACIF C564:2004 *Deployment of Mobile Phone Network Infrastructure* (the industry code). The industry code is registered by the ACMA under Part 6 of the Telecommunications Act. Communications Alliance commenced a review of the code in late 2010. The review is expected to be completed by the end of 2011.

The industry code requires carriers to consult with local councils and the community on the placement of certain mobile phone facilities, typically low-impact facilities. Through a complaints process, the ACMA monitors carrier compliance with the industry code and has the power to issue formal warnings and directions to carriers to comply with the code. With complaints about possible contraventions of the industry code, the ACMA may, in accordance with Part 26 of the Telecommunications Act, make preliminary enquiries of the respondent to decide whether it has the power to investigate the matter or whether, in its discretion, it should investigate the matter.

In 2010–11, the ACMA received 13 complaints and 104 enquiries about the industry code. Of the complaints received, including seven that progressed to preliminary enquiries, the ACMA considered that the matters raised were not sufficient to substantiate a claim of carrier contravention of the industry code. Carriers conducted an estimated 4,432 consultations under the code during this period.

The ACMA promotes a common understanding and interpretation of the requirements of the code through feedback to individual carriers and operational practices meetings. These meetings are attended by representatives from Telstra, Optus and Vodafone Hutchinson Australia, and from the Mobile Carriers Forum (MCF)—an industry group representing the mobile phone carriers in Australia.

### **Submarine cable protection**

Submarine cables carry the bulk of Australia's international voice and data traffic and contribute significantly to the Australian economy.

Schedule 3A of the Telecommunications Act permits the ACMA to declare protection zones over nationally significant cables and to prohibit or restrict activities that pose a risk of damaging cables in these zones. The legislation establishes offences for damaging a cable or for breaching prohibitions and restrictions, and creates penalties for these offences. Australia currently has three submarine cable protection zones—two off the Sydney coast and one off the Perth coast.

No new submarine cable protection zones were considered during 2010–11.

The legislation also provides for a permit regime that requires carriers to obtain a permit from the ACMA to install a new submarine cable within and outside a protection zone. This regime provides for more consistent and efficient cable planning and encourages the co-location of new cables in existing protection zones. No cable operators applied for installation permits in 2010–11.

The ACMA has completed a review of the operation of the submarine cable protection arrangements under Schedule 3A of the Telecommunications Act. The report was presented to the Minister for Broadband, Communications and the Digital Economy on 20 September 2010 and tabled in parliament on 18 November 2010.

The ACMA concluded in the report that the operation of the regime since 2005 has met the policy objectives set by the government. The regime is also very well-regarded internationally and has been described in such terms as ‘ideal regulation’ and ‘best model legislation’. The ACMA did identify several improvements that could be made to the operation of the regime. The report made six recommendations, in brief:

- > the minister to consult with the Attorney-General about the conduct of and funding for a study to determine whether active compliance monitoring in protection zones is necessary and, if needed, how this monitoring could be provided
- > schedule 3A to be amended so that the ACMA is only required to publish a summary of a proposal to declare, vary or revoke a protection zone
- > schedule 3A to be amended so the ACMA has the power to set standard conditions that would apply to protection zone permits
- > schedule 3A to be amended so the ACMA has the power to set standard conditions that would apply to non-protection zone permits
- > the minister to take note of the concerns raised about potential inconsistency between schedule 3A and UNCLOS, and recognise the need to remove the potential for any inconsistency
- > the minister to take steps to amend schedule 3A to provide for protection zones around other submarine cables with national significance that are wholly in Australian waters.

The ACMA’s recommendations are now being considered by the government.

## Compliance investigations

---

The ACMA works with the communications and media industries to establish compliance with legislation, codes, licence conditions and other regulatory instruments. The ACMA also registers and monitors compliance with industry codes developed by the communications industry.

The ACMA applies a principles-based approach to compliance and enforcement that:

- > recognises the capacity of regulated entities to become compliant
- > conducts compliance and enforcement action cooperatively at first, leaving in reserve more punitive sanctions for more serious non-compliance
- > matches enforcement responses so they are proportional to the seriousness of the non-compliance and risk to the regulatory arrangements
- > maintains flexibility and preparedness to escalate and de-escalate compliance action
- > reflects the idea that cooperative approaches using education and awareness are preferred in the first instance but recognises that a range of escalated compliance actions are available, as demonstrated in the examples below.

This approach supports and enables the effective and efficient achievement of compliance objectives so that any regulatory burden imposed by the ACMA’s compliance activities is the minimum necessary to achieve the intended compliance outcome.

The ACMA accepts complaints from industry and the public about telecommunications cabling and compliance by suppliers of devices subject to the labelling arrangements for radiocommunications, telecommunications, human exposure to electromagnetic energy and electromagnetic compatibility compliance. The ACMA complaints-handling strategy seeks to engage cooperatively with both the complainant and the subject of the complaint.

In the reporting period, the ACMA investigated 24 complaints about cabling and 128 complaints about compliance labelling arrangements. The investigations resulted in the issuing of one warning notice.



**Radiocommunications compliance**

The ACMA conducts investigations into suspected contraventions of the Radiocommunications Act and subordinate instruments relating to the operation of radiocommunications transmitters. These contraventions include unlicensed operation of transmitters, breaches of licence conditions and breaches of offence provisions relating to interference.

**Prohibited devices—education and awareness principles at work**

Mobile phone jammers have been prohibited devices under section 189 of the Radiocommunications Act since 1999.

Following the successful implementation of a compliance strategy targeted at Australian-based suppliers in the previous period, the ACMA has adopted a similar approach to educating online consumers. A compliance strategy was crafted that targets online purchasers for education and awareness in the first instance, in accordance with the ACMA's compliance principles.

The ACMA has established arrangements with Australia Post designed to detect and hand up to the ACMA prohibited devices travelling in the international mail stream. The ACMA has also established relationships with three private international mail carriers and received in-principle agreement that they hand prohibited devices up to the ACMA when detected in the international mail stream.

In the reporting period, 185 devices were detected and handed up to the ACMA. As a result, the ACMA sent a letter to the intended recipients of prohibited devices intercepted at international gateways. The letter advised them that the device they purchased online from an overseas retailer was prohibited and had been forfeited to the Commonwealth. They were also advised that penalties may apply if, under section 189 of the Radiocommunications Act, they were found to have purchased a prohibited device again.

This approach reduced the risk to spectrum utility and interference to mobile phone users without imposing an undue burden on industry or consumers, in accordance with the established compliance principles.

**Supplier auditing program—compliance surveillance principles at work**

The ACMA conducts an auditing program of suppliers registered with the ACMA to use the C-Tick for consumer electrical and electronic devices and the A-Tick for consumer devices such as mobile phones. The auditing program seeks to ensure compliance with the labelling and record-keeping requirements for products supplied by the registered supplier under the Radiocommunications Act and Telecommunications Act.

The labelling and record-keeping requirements are contained in the:

- > Radiocommunications Labelling (Electromagnetic Compatibility) Notice 2008
- > Radiocommunications Devices (Compliance Labelling) Notice 2003
- > Radiocommunications (Compliance Labelling – Electromagnetic Radiation) Notice 2003
- > Telecommunications Labelling (Customer Equipment and Customer Cabling) Notice 2001.

The ACMA is analysing the data collected from compliance auditing, which will be used as an evidence base from which to derive intelligence about the markets it regulates. This intelligence will inform the ACMA's future compliance strategies as well as the maintenance and development of the regulatory arrangements.

See also *Regulatory arrangements—technical standards and labelling notices* on page 79.

**Table 22: Audits of registered suppliers, 2009–10 and 2010–11**

Action type	Number of actions	
	2009–10	2010–11
Audits conducted	313	243
Failed audits	102	58
Significant failures (note 2009–10 figures are based on the number of advice or warning notices issued to suppliers)	22	1

**Licensing compliance—statutory enforcement principles at work**

During 2010–11, the ACMA conducted 114 investigations into non-compliance with the transmitter licensing regulatory arrangements and issued 52 compliance actions (see Table 23).

In response to two separate requests for assistance from Victoria Police in late 2010, ACMA field staff located people causing deliberate interference to police communications. The location of the interfering signals was established within an hour of field staff arriving in the affected areas. In both cases, the operator was arrested by Victoria Police officers and subsequently charged, with one offender sentenced to six months imprisonment.

In December 2010, field staff located two radio operators in the suburbs of Melbourne who were causing interference to a licensed land mobile trunking service. A security company was not able to operate safely because of the interference to its radio systems. The offending equipment was seized under search warrant and subsequently surrendered to the ACMA (approximate value of \$5,000). The amateur licence of one of the operators involved was subsequently suspended for three months. Applying best practice compliance principles in this case achieved a timely and appropriate outcome.

**Low-power open narrowcasting (LPON) services**

LPON services cater for the provision of niche radio broadcasting services to an audience in a limited area of reception (for example, tourist information services) or for a regular event. LPONs are very low power—not more than one watt in residential areas or 10 watts in rural areas. LPON licences are also subject to conditions relating to operation of the service—the ‘use it or lose it’ provisions. When a complaint is made about the failure to provide an LPON service, ACMA staff conduct an investigation that takes into account the complaint and the licensee’s response (see Table 24). In determining an appropriate compliance response to the complaint, the ACMA also considers how to ensure that the LPON spectrum is being used to provide a service to the public in accordance with the licence conditions.

In the reporting period, the ACMA cancelled three LPON apparatus licences for breaches of the ‘use it or lose’ licence conditions.

**Radiocommunications interference management**

The ACMA administers radiocommunications licensing arrangements established by the Radiocommunications Act. It undertakes field-based activities relating to interference management that involve the field investigation of interference to radiocommunications, telecommunications and broadcast services.

**Table 23: Radiocommunications investigations, 2009–10 and 2010–11**

Action type	Number of actions	
	2009–10	2010–11
Radiocommunications-related investigations	75	139
Advice notices issued	3	31
Warning notices issued	6	33
Infringement notices	0	17
Notices related to unlicensed operation of a transmitter	42	52

**Table 24: LPON investigations, 2009–10 and 2010–11**

Action type	Number of actions	
	2009–10	2010–11
LPON investigations conducted	26	4

The ACMA now has 36 staff in five offices responsible for field operations tasks such as investigating and resolving complaints about interference to radiocommunications services. Staff are based in Brisbane, Canberra, Hobart, Melbourne and Sydney and have access to 22 specially equipped vehicles.

Key field operations activities include:

- > managing radiocommunications and broadcasting interference complaints
- > conducting investigations
- > performing digital television field strength measurements to support the coverage evaluation program (see *Signal measurement and field analysis* on page 43 for more information)
- > compliance activities (audits and site inspections)
- > radiocommunications support for major events (for example, the Australian Formula One Grand Prix and the Australian Motorcycle Grand Prix)
- > HF monitoring and investigation from the Quoin Ridge facility.



The ACMA's Field Operations team inspects the extensive range of radiocommunications equipment on board the *Spirit of Tasmania II*. The visit helped educate the ship's officers about the ACMA's role in compliance activities.

The Quoin Ridge monitoring and investigation facility near Hobart is a primary means of investigating, locating and eliminating harmful interference to the HF band from national and international sources. The information is gathered and forwarded to international regulators to help resolve interference to international services with reciprocal requests to international regulators to help resolve local interference issues.

During the reporting period, the ACMA worked with the Australian Maritime Safety Authority, other Australian Government agencies and the International Telecommunication Union to identify and resolve interference to the Cospas-Sarsat system. The Cospas-Sarsat system provides distress alert and location data to search and rescue authorities such as the Rescue Coordination Centre, part of the Australian Maritime Safety Authority.

The ACMA investigates complaints about interference to licensed radiocommunications services and domestic broadcast reception systems. Radiocommunications interference affects radiocommunications receivers used typically in commercial, public safety and recreational services. Domestic systems interference affects the reception of licensed radio or television broadcast services in domestic premises.

A failure to comply with technical standards or transmitter licence conditions may result in interference to radiocommunications. To determine compliance with the regulatory framework, the ACMA regularly conducts interference tasks and site audits tasks in response to complaints and site audits on a risk-assessed basis.

During the reporting period, the ACMA responded to 465 complaints of interference to radiocommunications services (536 in 2009–10) and 366 complaints of interference to domestic radio and television broadcast reception (365 in 2009–10). In addition to responding to reported interference, the ACMA inspected 294 radiocommunications sites for compliance with transmitter licence conditions (214 in 2009–10). As a result of interference investigations and site inspection activities, the ACMA issued 260 compliance actions (see Table 25).

In the reporting period, the ACMA responded to 238 complaints of interference to mobile telecommunications networks (211 in 2009–10). A further 18 radiocommunications complaints involved interference to public protection radio services, including to emergency services radio networks and air traffic communications (65 in 2009–10). The ACMA processed all radiocommunications interference complaints related to safety-of-life issues immediately on receipt. Of the public protection complaints that were affected by external interference, the ACMA resolved 72 per cent of these within 10 days. The ACMA also located 17 inappropriately activated emergency position indicating radio beacons (30 in 2009–10).

Table 25: Radiocommunications compliance actions, 2009–10 and 2010–11

Action type	Number of actions	
	2009–10	2010–11
Advice notices issued	144	230
Warning notices issued	62	30
<b>Total</b>	<b>206</b>	<b>260</b>

### Special events

As part of their risk management process, organisers of the following special events contracted the ACMA to provide radiocommunications frequency coordination and interference resolution services.

- > UCI World Road Cycling Championships, Geelong and Melbourne, 27 September – 5 October 2010
- > Australian Motorcycle Grand Prix, Phillip Island, 13–19 October 2010
- > Australian Formula One Grand Prix, Melbourne, 24–27 March 2011.

The ACMA staff who supported these events were faced with a range of issues involving interference to the radiocommunications services used by the event organisers, international competitors and race teams, and to both local and international television and broadcast services. All technical issues were successfully resolved with positive feedback received from the organisers of the events.

### Radiocommunications Compliance Laboratory

The ACMA's radiocommunications compliance laboratory carries out compliance testing of radiocommunications devices. The main purpose of the laboratory is to support compliance of the Australian radiocommunications industry with regulatory arrangements such as the radiocommunications standards compliance and labelling arrangements. Devices that comply with the standards are able to be labelled and supplied to the Australian market. Spectrum impact assessments are also performed on radiocommunications devices. A total of 71 devices were tested during the financial year, which resulted in 103 compliance test reports being produced.

The laboratory is accredited by the National Association of Testing Authorities (NATA) for assessing compliance to compliance level three for the full range of international and ACMA standards. NATA accreditation is subject to regular review and the accreditation of the Radiocommunications Compliance Laboratory reassessment was reconfirmed on 30 May 2011.

### Telecommunications compliance

This section highlights the ACMA's telecommunications compliance and enforcement activities during the reporting period.

#### The ACMA's approach to telecommunications code compliance

The ACMA undertakes a range of activities to promote compliance with the Telecommunications Consumer Protections Code (the TCP Code) and achieve better outcomes for consumers.

Many of these activities are educational. For example, the ACMA regularly audits the compliance of providers with particular TCP Code obligations to identify non-compliance and then works with them to address issues.

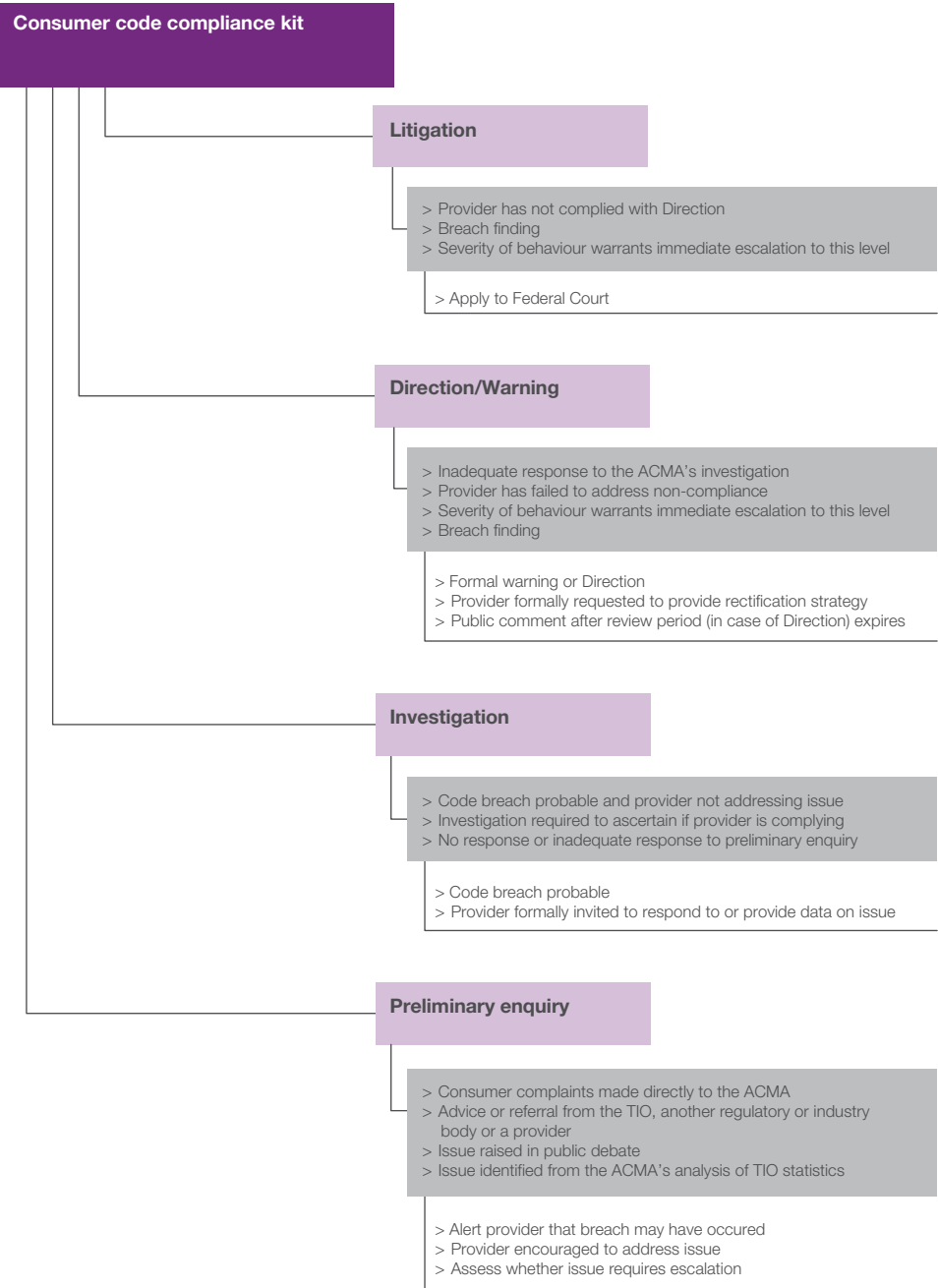
During the reporting period, the ACMA's activities have included investigating specific complaints referred by the Telecommunications Industry Ombudsman (TIO) and consumers, and involvement in the current review of the TCP Code.

When undertaking its compliance and enforcement function, especially for potentially systemic issues, the ACMA considers information from a number of sources, especially complaints data provided by the TIO. The ACMA also draws on information provided by members of its Consumer Consultative Forum, individual consumers, media reports and telecommunications service providers.

During the reporting period, the ACMA released four editions of its *Telecommunications consumer protection compliance and enforcement bulletin*. The bulletin is a new initiative that analyses recent trends in consumer complaints to the TIO, identifies areas of concern, and provides information about the ACMA's current and recent telecommunications compliance work.

Figure 3 illustrates the ACMA's graduated approach to TCP Code compliance, under which it generally uses the minimum power or intervention needed to achieve the desired outcome.

Figure 3: The ACMA's approach to telecommunications code compliance matters



### **Auditing information available on providers' websites**

During the reporting period, the ACMA undertook four audits of providers' websites, reviewing the information provided to consumers on landline, broadband, post-paid mobile and prepaid mobile products.

The audits followed continuing high levels of complaints from customers that their bills were different from what they had expected and about point-of-sale information.

The audits found a high level of compliance with clause 3.3.3 of the TCP Code.<sup>11</sup> Providers promptly remedied non-compliance when it was identified.

Despite this high level of compliance with clause 3.3.3, consumers complain that the available information does not prepare them for the bills they receive. This suggests that website information alone is not enough to educate consumers about the practical workings of their contracts and billing arrangements.

The outcome of the audits (discussed below) has informed the ACMA's input into the current review of the TCP Code and the recommendations of its *Reconnecting the Customer* public inquiry (see also page 131).

### **Website information on landline products**

Clause 4.2.4 of the TCP Code requires that suppliers provide information to customers before a customer signs a contract. This includes information about contract terms, product descriptions and minimum total charges.

Thirty providers were audited across the industry, including all the major providers.

Information about how call charges are calculated was found on all provider websites. However, details about service connection fees, early termination fees and minimum contract terms were sometimes unclear or difficult to locate. This confirmed the ACMA's opinion—expressed to CA in advance of the TCP Code review—that providers need to improve their methods of providing important information to consumers.

The ACMA contacted four of the audited providers about the availability of landline website information. Two have made improvements to their websites, one supplied further information to demonstrate compliance and the other is no longer offering a landline product.

### **Website information on broadband products**

Twenty-five providers, including all the major providers, were audited across the industry for website information on broadband products.

In most cases, key information about broadband products was found within one click of the main product page. Peak and off-peak time limits typically apply to all internet plans except mobile broadband products. The majority of providers gave clear information on time limits, information on the product page about what happens if a data limit is exceeded, and information on service connection fees and termination fees on the main product page.

While most information could be found within one click of the main product page, the ACMA was concerned that, in a number of instances, important information was only available in the standard form of agreement (SFOA) or three clicks from the main product page.

### **Website information on post-paid mobile products**

Twenty providers of post-paid mobile products, including all the major providers, were audited across the industry. Generally, it was found that key information about post-paid products was found within one click of the product page. While information about roaming charges was also readily found for the majority of providers, the level of information provided about credit control and usage-monitoring tools offered by providers was inconsistent.

The ACMA contacted some of the audited providers about the availability of website information or their unclear disclaimers. These providers either made prompt improvements to their website or supplied further information to demonstrate compliance.

11 Under clause 3.3.3 of the TCP code, 'A supplier must ensure that its customers can view and download all relevant terms and conditions of its Telecommunications Services from a website and that the website is accessible'.



### Website information on prepaid mobile products

Twenty providers of prepaid mobile products, including all the major providers, were audited across the industry. A satisfactory level of compliance with the requirement to provide information on charges and credit expiry for prepaid mobile services was found, with this information obtainable within one to three clicks from the product information web page.

The ACMA found that some suppliers provide information on mobile network coverage on request but do not state the same information on the product web pages. Most of the smaller providers who onsell the services of the major mobile networks do not have an online coverage map. However, most providers refer to the network provider's coverage map through a hyperlink.

The main areas for improvement for prepaid mobile services are the provision of consistent and clear information about international roaming charges and comprehensive information about available usage monitoring tools.

### Auditing the privacy of billing information

The TCP Code and Telecommunications Act impose obligations on providers about the disclosure and use of information gathered in the course of conducting their businesses.<sup>12</sup>

In October 2010, Telstra announced that certain customer details had inadvertently been disclosed to other customers following a mail-merge error.

In early 2011, media reports suggested that Vodafone had mistakenly disclosed the personal information of its customers. The Office of the Information Commissioner (OAIC) took the lead in investigating this alleged disclosure. His published report into Vodafone is available on the OAIC website.

The ACMA was concerned that these incidents may have been symptomatic of a broader problem within the industry. The ACMA requested information from the top 10 providers (based on TIO complaints) on the measures that each has in place to safeguard the personal information of customers and the adequacy of these measures.

All providers have been given the information that is currently being assessed to determine areas of best practice and those that require clarification or rectification. The ACMA will liaise with the OIAC on its findings.

### Vodafone investigation

The TIO's statistics for the December 2010 quarter show an increase in complaint issues raised by Vodafone Hutchison Australia (Vodafone) customers. There was also considerable media and internet-based comments alleging problems with various aspects of the Vodafone service. These centred on reliability issues with Vodafone's network and delays in responding to complaints.

Concurrently, an individual established a website called 'Vodafail.com' to collect and collate complaints about Vodafone. On 21 January 2011, the same person sent a report titled *Vodafone's situation: yesterday, today and tomorrow* to the ACMA. A number of issues raised in the report suggested possible non-compliance with the TCP Code.

The allegations raised in this report include:

- > reliability issues with Vodafone's network — for example, calls not connecting, call dropouts, lack of reception and charges for calls not made
- > intermittent outages of the spend management tool — My Vodafone
- > concerns about point-of-sale representations and post-sale support by Vodafone retail staff.

In light of the Vodafail.com report, and the emerging complaint statistics, the ACMA wrote to Vodafone in February 2011. Among other things, the letter covered Vodafone's compliance with the billing, prices, terms and conditions and credit management obligations in the TCP Code as well as measures to safeguard the personal information of its customers.

The ACMA is continuing to investigate these matters.

<sup>12</sup> Under clause 6.8 of the TCP code, 'A Supplier must protect the privacy of each Customer's Billing and related personal information'.



### Franchise investigation

The TCP Code includes rules about the content and fairness of contracts between telecommunications suppliers and consumers (see clause 4.2.6 and section 5.1 of the TCP Code).

In late 2009, the ACMA became aware of an Australian company marketing a franchise business model for the sale of telecommunications services (fixed-line, mobile and internet) to residential and small business customers.

The ACMA investigated 10 of these franchisees and found that the consumer contracts, associated documents and website designs provided by the franchisor and used by most of the franchisees did not comply with the requirements of the TCP Code.

The franchisor has amended its publications to comply with the TCP Code and all 10 franchisees have adopted the compliant publications.

### Credit-handling and customer transfer investigation

The ACMA is investigating two providers who are alleged to have undertaken unauthorised transfers of a significant number of broadband customers (see clause 8.1.3(d) of the TCP Code).

The investigation is continuing.

### Terms and conditions and billing investigation

The ACMA received a complaint alleging that a provider was charging customers an annual service fee for a new service it was offering, unless the customer chose to opt out of that service within a defined period. This raised a potential issue about a detrimental unilateral variation of contracts (see clause 5.1.3(d)(ix) of the TCP Code).

The ACMA wrote to the provider seeking further information about its related practices. After receiving information from the provider and the TIO, the ACMA was satisfied that the code had not been breached.

### Direct debits investigation

In late August 2010, the TIO referred a provider to the ACMA for further investigation of its direct-debit billing practices (see clause 6.4.3 of the TCP Code).

While the provider's stated policies appeared to comply with the TCP Code, complaints to the TIO about direct-debit issues for this provider had been increasing, raising concerns about whether the provider's practices aligned with its policies.

The TIO and the ACMA obtained permission from a number of complainants to gather further information from the provider about the circumstances leading to these complaints.

The provider subsequently entered into receivership and the customer base was sold to another entity, which has made substantial changes to the call centre operations.

### Complaints-handling investigation

Following concerns arising from TIO complaint statistics, the ACMA requested one provider submit detailed quarterly reports against the internal complaints-handling requirements of the TCP Code (see clause 9.1.8(b)).

After submitting reports for the past two quarters, the provider has now advised it is no longer a CSP.

The ACMA had previously directed another provider to comply with the TCP Code. That provider is now also required to submit detailed quarterly reports against the complaints-handling requirements of the code. The ACMA has received one report from the provider and no significant issues of concern were identified.

### Complaints-handling compliance initiative

The ACMA is gathering information from providers whose complaints-handling and customer service complaints to the TIO increased over consecutive quarters. This includes complaints resolved on first contact, complaints resolved within 30 days, action on undertakings made to consumers and communication to complainants about the outcome of their complaints.

The information will help the ACMA identify any systemic non-compliance with the complaints-handling provisions of the TCP Code (see clause 9.2.5).

In the reporting period, the ACMA sought information from 74 providers by issuing notices under section 521 of the Telecommunications Act.

Responses indicate that all providers resolve the majority of their complaints within the 30-day maximum period in clause 9.2.5.

The ACMA's complaints-handling compliance initiative is continuing.

### TCP Code review

The ACMA is an observer on the TCP Code Review Steering Group, which has met 15 times during 2010–11. The six working groups formed to develop the code rules are also meeting regularly.

The ACMA anticipates that consultation drafts of the revised code will be released to the public in mid-2011 and provided to it for potential registration during the second half of 2011.

### Mobile premium services

After reaching a peak of 9,850 in the September quarter of 2008 (for Level 1–4 complaint issues), complaints about mobile premium services to the TIO have declined significantly and continued to decrease over this reporting period. The TIO received 1,130 complaints about mobile premium services in the March quarter of 2011, the lowest quarterly figure for mobile premium services complaints since the TIO began collecting distinct complaint data on mobile premium services in December 2006. This significant reduction in complaint numbers can be attributed in part to the ACMA's suite of regulatory tools and compliance monitoring program. These activities will continue in the next reporting period.

Mobile premium service-related complaints to the TIO during the reporting period mainly concerned:

- > unauthorised mobile premium service charges on phone bills
- > receipt of mobile premium services that were not requested by customers
- > customers' inability to prevent receipt of mobile premium services.

During the reporting period, the ACMA continued implementation of its regulatory strategy to protect consumers of these services with the introduction of two service provider determinations to provide incentives for compliance with the Mobile Premium Services code (MPS Code).

The Telecommunications Service Provider (Mobile Premium Services) Determination 2010 (No. 1) commenced on 1 July 2010 and requires all mobile CSPs to:

- > offer barring of all premium SMS and MMS services to their customers from July 2010

- > provide information about barring and how to request it to their customers at regular intervals over the lifecycle of ownership of a mobile phone service.

The determination provides consumers with the means of preventing charges from mobile premium services altogether if they do not wish to use them.

On 28 July 2010, the ACMA made the Telecommunications Service Provider (Mobile Premium Services) Determination 2010 (No. 2), which prohibits:

- > mobile CSPs and content providers from contracting with other content providers not included on the industry register maintained by Communications Alliance
- > mobile phone customers from being billed for mobile premium services from content providers responsible for serious breaches of the MPS Code for a period up to three years.

The determination further enhances protections available for consumers by reinforcing the MPS Code rules that require registration of all content providers and removing services that have been found to cause significant consumer detriment.

The determinations were made following consultation with consumer representatives, industry and other regulators.

During the reporting period the ACMA continued its extensive and rigorous program of monitoring and enforcing industry compliance with the MPS Code. The program identified potential breaches of the code and recurring and systemic problems with services.

The ACMA audited services identified through print, online and television advertisements. Audit activity included inspecting advertisements, 'shadow shopping' for services and examining information about the nature of complaints received by the TIO.

Where audits identified potential contraventions of the code, the ACMA has brought the problems to the attention of the suppliers of the mobile premium services concerned. In the majority of cases, changes to services to achieve future compliance have been readily volunteered.

In cases where compliance with the code was not otherwise able to be procured, the ACMA has initiated investigations under paragraph 510(1)(c) of the Telecommunications Act. During the reporting period, 11 such investigations were initiated.

Upon completion of an investigation under paragraph 510(1)(c), the compliance options available to the ACMA under the Telecommunications Act for a contravention of the code comprise:

- > accepting an enforceable undertaking from the supplier of a mobile premium service, in which the supplier formally undertakes to take certain action or refrain from certain action to ensure compliance with the code
- > issuing a formal warning to the supplier of a mobile premium service about its contraventions of the code
- > issuing a direction to comply with the code.

In 2010–11, the ACMA completed 16 investigations of contraventions of the code, and a direction to comply with the code was issued to 10 suppliers of mobile premium services.

The ACMA cooperates with regulators of mobile premium services in other countries, and is a member of the International Audiotex Regulators Network (IARN). At meetings of IARN in March 2011, the ACMA exchanged intelligence about market and regulatory developments, research and cross-border supply of services related to the regulation of mobile premium services. The lessons learned from other regulators will inform the ACMA in the review of the MPS Code that commenced in July 2010, and in its stance on the transition of the Australian market towards more secure forms of payment via mobile phones.

A draft version of the revised MPS Code is due to be released for public and industry comment in the third quarter of 2011. Once the review is finalised, the revised code will be presented to the ACMA for registration.

### **Telemarketing and fax marketing**

The ACMA is responsible for enforcing the *Do Not Call Register Act 2006*—which prohibits most types of telemarketing calls and marketing faxes to numbers on the Do Not Call Register—and two related industry standards.

### **Telemarketing and research calls industry standard**

The Telecommunications (Do Not Call Register) (Telemarketing and Research Calls) Industry Standard 2007:

- > restricts the times and days when telemarketing and research calls can be made
- > requires callers to provide specific information
- > provides for the termination of calls
- > requires callers to use calling line identification.

### **Fax marketing industry standard**

On 4 May 2011, the Fax Marketing Industry Standard 2011 came into effect and established minimum standards in four main areas:

- > restricting the times and days when marketing faxes can be sent
- > requiring marketing faxes to contain specific information
- > requiring provision of an opt-out functionality
- > setting out the maximum number of faxes that can be sent in a particular period.

In 2010–11, the ACMA commenced a review of the standard, which has been in operation for over three years, to ensure it remains current and relevant to consumers and the telemarketing industry. The ACMA sought views from stakeholders on the operation of the standard in a number of key areas, including the days and times telemarketing calls may be made and the kind of information telemarketers must divulge about themselves and the organisations they represent. The ACMA will consider the submissions received when finalising the revised standard in 2011–12.

### **Complaints process**

Consumers who receive telemarketing calls or marketing faxes more than 30 days after registering their number on the Do Not Call Register can complain to the register operator online, by telephone or by post. Where a complaint raises a potential contravention of the Do Not Call Register Act and/or the industry standards, the register operator forwards the complaint to the ACMA for action.

Complaints

During 2010–11, a total of 19,711 complaints were received. Of these, 16,036 raised potential contraventions of the Do Not Call Register Act and/or the industry standards and were forwarded to the ACMA.

Figure 4 shows the complaints received each month during 2010–11, compared to the complaints received each month during 2009–10. The total number of telemarketing and fax marketing complaints received represents a 76 per cent increase when compared with 2009–10.

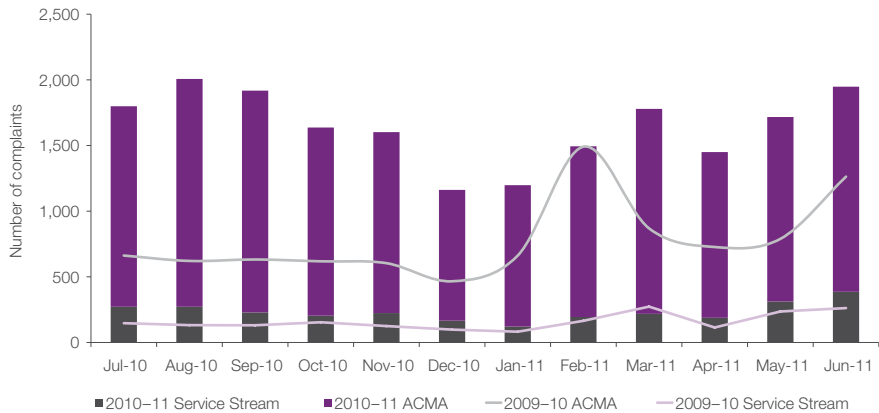
Complaint numbers fluctuated through 2010–11 but were generally higher than in previous years. This was in large part due to an increase in reports of telemarketing calls being made to telephone numbers on the register promoting computer virus removal services. Figure 5 shows the trend in complaints received on a quarterly basis, for the past four financial years from July 2007 to June 2011.

Complaint classification

When a complaint is forwarded to the ACMA by the register operator, the ACMA assesses the complaint and classifies whether it raises any potential contraventions of the Do Not Call Register Act and/or industry standards. There are four broad classification types:

- > complaints about a prohibited call or fax to a registered number (potential contravention of the Do Not Call Register Act)

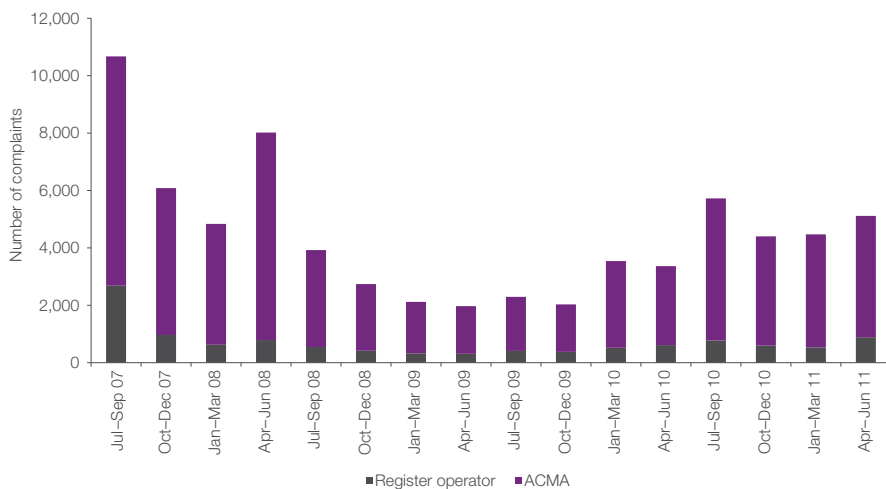
Figure 4: Telemarketing and fax marketing complaint receipt by month, 2010–11 compared to 2009–10



- > complaints about a call that did not meet one of the minimum industry requirements (potential contravention of the industry standards)
- > complaints that raise a potential contravention of both the Do Not Call Register Act and the industry standards
- > complaints that do not raise any potential contraventions of the Do Not Call Register Act or the industry standards.

Figure 6 shows the classification of the complaints received by the ACMA during 2010–11.

**Figure 5: Telemarketing and fax marketing complaint receipt by quarter, July 2007 to June 2011**



**Figure 6: Classification of the complaints received by the ACMA in 2010–11**

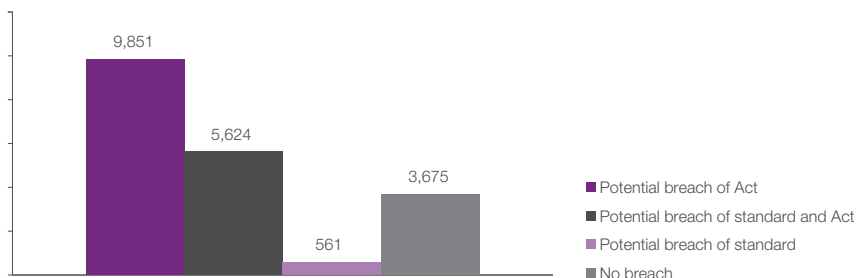


Figure 7 shows the breakdown of complaints by industry sector, where the consumer was able to identify the business that called them, illustrating that:

- > Complaints about telemarketing calls offering computer services, particularly computer virus removal services, represent 30 per cent of complaints received in 2010–11.
- > Home maintenance services account for 15.59 per cent of all complaints received, with the majority of these offering rebates on solar panel installation.

> The communications sector continues to attract a significant number of complaints—11.23 per cent of complaints to the ACMA about telemarketing calls and marketing faxes.

Table 26 shows the ACMA's telemarketing and fax marketing complaints-handling performance. In 2010–11, this exceeded the ACMA's target complaints-handling time frames.

Figure 7: Telemarketing and fax marketing complaints by industry sector, 2010–11

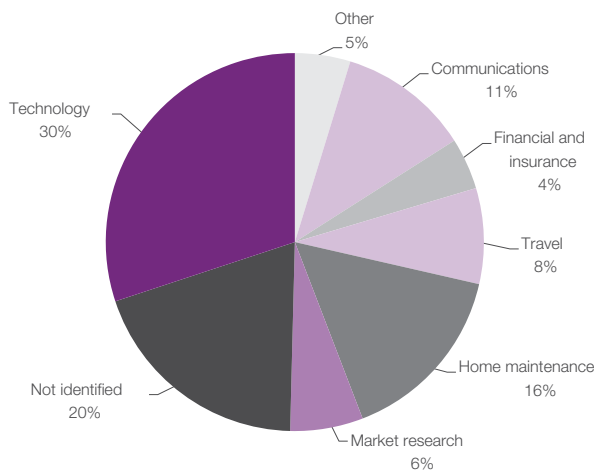


Table 26: ACMA's telemarketing and fax marketing complaints-handling performance, 2010–11

Measure (days)	Target (%)	Performance (%)
7	50	85.9
14	75	94.4
21	90	97.4

### The ACMA's approach to telemarketing and fax marketing compliance

The ACMA focuses on reducing the number of prohibited telemarketing calls received by consumers whose numbers are on the register. This is achieved through:

- > education and advice
- > informal actions to address non-compliance
- > formal investigations and enforcement action.

The ACMA's engagement with a telemarketer or fax marketer about whom complaints have been made can occur at each of these levels.

Engagement at the first level generally commences when the ACMA receives its first complaint about a telemarketer or fax marketer. The ACMA writes to the entity to advise that a complaint has been received and provide information about the Do Not Call Register Act, industry standards and the details of the complaint received. The letter recommends the entity review its telemarketing or fax marketing activities.

Focused monitoring of the telemarketer or fax marketer for compliance with the Do Not Call Register Act and industry standards then commences.

Escalation to the next level of engagement usually occurs where five or more complaints are received about a telemarketer or fax marketer within any 180-day period. Where this occurs, the ACMA again writes to the entity to advise that a significant number of complaints have been received and to discuss the steps the entity is taking to comply with the Do Not Call Register Act and industry standards. Details of complaints, along with a copy of the *Do Not Call Register Act 2006—Compliance Guide* are provided to assist the entity conduct a critical review of its marketing activities.

During the engagement at both these levels, a telemarketer or fax marketer is invited to contact a compliance officer at the ACMA to discuss its obligations under the Do Not Call Register Act and industry standards.

For more serious cases, the ACMA may escalate a telemarketer or fax marketer immediately to investigation and enforcement, without progressing through the lower levels.

The majority of businesses act on an advisory or warning letter from the ACMA, and consumer complaints about them stop. Where no complaints about an entity are received within 180 days, monitoring ceases (pending further complaints).

During 2010–11, the ACMA issued 1,142 advisory letters and 201 warning letters to businesses that had been the subject of consumer complaints. Complaints about 80 per cent of businesses stop following the facilitation stages.

In overseeing compliance with the legislation, the ACMA has balanced a willingness to work with industry with a readiness to take formal action where required.

### Investigations and enforcement

The ACMA may commence an investigation if it has reason to suspect that a telemarketer or fax marketer has contravened the Do Not Call Register Act or industry standards. While the majority of investigations begin after the two informal stages of monitoring, the ACMA retains the discretion to act more urgently if required.

The factors the ACMA may consider when deciding whether to investigate a telemarketer or fax marketer include:

- > the number of complaints that have been received about the telemarketer or fax marketer, and over what period of time
- > the seriousness of the conduct described in the complaints
- > whether the telemarketer or fax marketer has been previously notified of potential compliance issues
- > whether the telemarketer or fax marketer contacted the ACMA after these notifications were sent
- > the extent to which the telemarketer or fax marketer has cooperated with the ACMA
- > whether the telemarketer or fax marketer is part of an industry sector that has serious, systemic or ongoing compliance issues
- > whether any new, untested or otherwise unique legislative issues would likely arise and all parties would benefit from its consideration.

During 2010–11, the ACMA finalised 10 investigations into alleged contraventions of the Do Not Call Register Act. Enforcement actions arising from investigations included one enforceable undertaking and five formal warnings for a total of 25 contraventions.

In May 2011, the ACMA was successful in obtaining its first Federal Court outcome for contraventions of the Do Not Call Register Act. The Federal Court found that FHT Travel Pty Ltd (FHT Travel) contravened the Act on 12,507 occasions by making telemarketing calls to numbers listed on the register. The Federal Court also found that FHT Travel's sole director was knowingly involved in the making of calls to numbers on the register. The ACMA was also successful in obtaining five-year injunctions against FHT Travel and its director restricting both parties from:

- > making or causing any telemarketing calls without first notifying the ACMA
- > making or causing any telemarketing calls without first checking whether the numbers are on the register.

**New registrant survey**

The ACMA surveys approximately 2,500 new registrants every month to assess their satisfaction with the register and its overall effectiveness. Survey results for 2010–11 show that 88 per cent of people who place their home phones on the register notice a reduction in the number of telemarketing calls they receive. Table 27 shows the effectiveness of registration for home phone and mobile phone registrants.

**Industry liaison and education**

During 2010–11, the ACMA undertook a number of targeted education and awareness campaigns. In partnerships with key industry bodies, such as the Clean Energy Council (CEC), the ACMA has written to entities providing solar and sustainability products to educate them about the Do Not Call Register Act. In addition, the ACMA presented about the register at the CEC's Clean Energy Week 2011.

The ACMA also conducted a targeted initiative directed at those offering computer support products. The initiative involved extensive liaison with Australian and international regulators, and investment in consumer and industry education campaigns.

Throughout the year, the ACMA continued to educate the fax marketing industry, engaging in significant liaison with key industry stakeholders to promote compliance with the new legislation.

**International engagement**

Significant attention has been given to developing links with overseas regulators including establishing the International Do Not Call Register regulators' forum. The ACMA, in partnership with the US Federal Trade Commission and the Canadian Radio-television Telecommunications Commission, regularly participates in teleconferences with a view to:

- > sharing information about compliance best practice to benefit from the experience of others
- > identifying global Do Not Call Register trends to develop consolidated responses to common problems

**Table 27: Consumer survey results—effectiveness of register for home and mobile telephone numbers**

Since registering your home telephone number on the Do Not Call Register, have you noticed:	Total (%)
More telemarketing calls	2
Fewer telemarketing calls	88
No change to the amount of telemarketing calls	11
Since registering your mobile telephone number on the Do Not Call Register, have you noticed:	
More telemarketing calls	1
Fewer telemarketing calls	7
No change to the amount of telemarketing calls	21



- > assisting with investigations to increase the effectiveness of regulating national laws in a global industry
- > providing alternative ways to improving Do Not Call Register compliance in offshore entities.

See page 138 for more information about the Do Not Call Register.

## Anti-spam

### Spam complaints- and report-handling

The ACMA is responsible for the enforcement of the *Spam Act 2003*, which requires that all commercial electronic messages—including emails, SMS and MMS messages, and instant messaging—be sent with the recipient's consent, clearly identify the sender and include a functional unsubscribe facility.

Members of the public can lodge complaints, reports and enquiries—collectively referred to as contacts—about spam on the ACMA website, and by email, telephone and SMS. The report process has now been significantly simplified, allowing members of the public to report spam by forwarding an email to [report@submit.spam.acma.gov.au](mailto:report@submit.spam.acma.gov.au). The Spam SMS service, launched last year, allows the public to report spam SMS messages by forwarding them to 0429 999 888.

The ACMA responds in writing to complaints with the target of actioning 90 per cent of these within eight days. In 2010–11, it actioned 71 per cent of complaints within this period. Failure to meet this target is attributable to the enormous increase in contacts from members of the public in the reporting period about spam, which more than tripled when compared to 2009–10 (see Table 28 and Figure 8).

From July to December 2010, the ACMA averaged 1,174 contacts per month, while between January and March 2011 it averaged 2,481 contacts per month. From April to June 2011, an average of 5,635 contacts per month were received—this is partly attributable to the introduction of the new reporting email address in April 2011.

The total number of contacts received about email spam was 21,813, a 418 per cent increase from 2009–10. SMS and MMS contacts increased to 8,195—over four times the number reported the previous year (see Table 29).

The ACMA advises businesses identified through consumer contacts of their obligations under the Spam Act. In 2010–11, 2,041 of these informal warnings were issued.

**Table 28: Trends in contacts to the ACMA about spam, 2006–07 to 2010–11**

	2006–07	2007–08	2008–09	2009–10	2010–11
Complaints	1,831	3,014	3,947	3,017	2,571
Enquiries	1,103	743	635	899	1,385
Reports	n/a	n/a	n/a	2,912	27,440
<b>Total</b>	<b>2,934</b>	<b>3,757</b>	<b>4,582</b>	<b>6,828</b>	<b>31,396</b>

**Table 29: Trends in contacts about email and SMS messages, 2006–07 to 2010–11**

	2006–07	2007–08	2008–09	2009–10	2010–11
Email	1,325	2,421	2,995	4,211	21,813
SMS/MMS	506	588	992	1,718	8,195

Enforcement

During 2010–11, a civil penalty of \$2 million was imposed on Mr Scott Phillips, the final respondent in the ACMA's first Federal Court action involving SMS spam. The total civil penalties awarded in the case amount to \$24.25 million.

During the year, the ACMA accepted an enforceable undertaking from Virgin Blue Australia Pty Ltd with a financial component of \$110,000. The undertaking was the result of an investigation into complaints alleging that the company continued to send commercial emails despite recipients' multiple attempts to unsubscribe from its mailing list.

The ACMA also received payment of \$11,000 for an infringement notice given to Bun Serey wattanak, trading as Bunology, a web design company, for allegedly sending emails without consent.

Four formal warnings, relating to electronic messages sent without consent, were issued in 2010–11 to:

- > Mediatel Communications Ltd
- > SNX Pty Ltd trading as Premier Auto Wholesale
- > Home Loan Selection Services Pty Ltd
- > Astute Corporation Pty Ltd.

As at 30 June 2011, the ACMA was undertaking nine ongoing mid-level and major investigations of alleged breaches of the Spam Act.

Detection initiatives

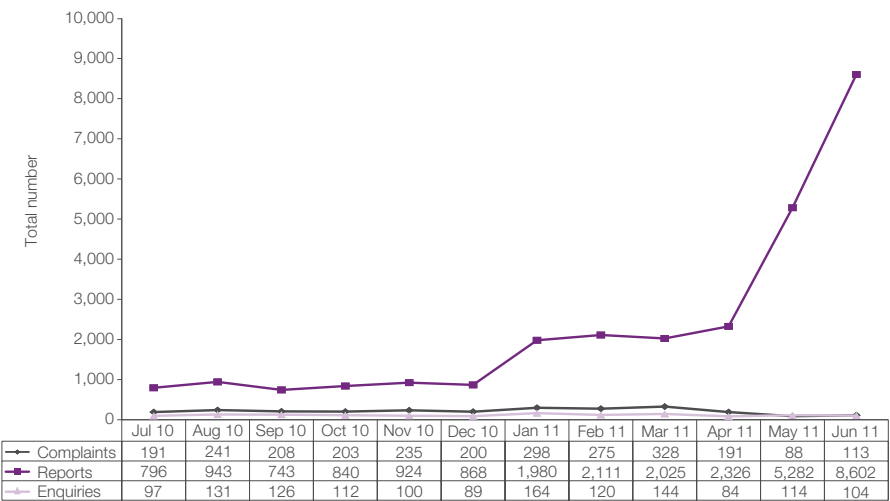
The ACMA's Spam Intelligence Database (SID) contains data that helps it, law enforcement agencies and overseas regulators to locate spammers and take action against them. SID is a unique system capable of analysing hundreds of thousands of spam email messages per day.

During 2010–11, the ACMA continued to enhance SID and, at the end of the reporting period, SID contained and had indexed the data in 67 million spam emails. Included in this data were 280 million discrete URLs.

SID accepts spam reports submitted by users of Telstra BigPond webmail accounts, reports forwarded to [report@submit.spam.acma.gov.au](mailto:report@submit.spam.acma.gov.au), other spam reporting mechanisms and third-party spam traps.

SID extracts data from all components of an email and stores this data in such a way that it can be categorised, linked to data from other emails with similar characteristics and searched on widely varying criteria. It also performs a number of additional processing tasks linked to information contained in spam emails—such as 'whois' and URL look-ups—that enable correlation of spam data with other data sets to assist spam enforcement activities.

Figure 8: Complaints, reports and enquiries about spam, July 2010 to June 2011



The information indexed and collated through SID's processes is substantial and enables the ACMA to identify commonalities between otherwise distinct spam messages, which can lead to increased visibility of a spammer's activities. This additional information also enables identification of the varying methods used to send spam.

In January 2011, the ACMA ceased usage of the Spam MATTERS spam reporting button for technical reasons and dwindling usage, and advised current users of the button of its withdrawal of use at that time. New spam reporting initiatives will be considered during 2011–12. The ACMA, however, continues to receive large numbers of Australian-linked spam from other channels, with the total spam reports per day received from these channels numbering around 75,000 during 2010–11.

### International cooperation

The ACMA is actively involved in international efforts to counter spam and enhance e-security.

The ACMA is a founding member of the London Action Plan (LAP), a prominent anti-spam international collaboration committed to promoting international spam enforcement cooperation, addressing spam-related problems and facilitating the open exchange of information and intelligence between LAP members. The LAP provides an opportunity for the ACMA's active participation with other relevant Australian and international law enforcement bodies.

At 30 June 2011, the LAP had 42 government members, 43 industry participants and five observers. In 2010–11, the ACMA participated in nine teleconferences with other organisations represented in the LAP.

Significantly, in October 2010, the ACMA hosted the 6<sup>th</sup> Joint London Action Plan—Contact Network for Spam Authorities Workshop (LAP-CNSA Workshop) in Melbourne. This was the first time the event has been held in Australia and it attracted 64 representatives from 14 countries, including three jurisdictions who had not attended a LAP-CNSA Workshop before.

Highlights of the LAP-CNSA workshop included:

- > a presentation on current trends in regulatory litigation
- > an update on global spam trends
- > a roundtable of representatives from the UK, New Zealand, Canada, the Netherlands and Australia
- > a LAP strategic planning session for 2011
- > a panel session on the emerging threat of mobile spam
- > a presentation on Nigerian scams
- > presentations on responses to spam in a range of countries including Canada, Indonesia, Japan, Malaysia and Taiwan.

In May 2010, a new Seoul–Melbourne Multilateral Memorandum of Understanding (MOU) on Cooperation in Countering Spam was signed with 13 members representing 10 Asia–Pacific economies. In 2010–11, there was one meeting of the MOU group. The Korean Information Security Agency is chair and secretariat of the group. The MOU continues the established objective of sharing information between members about spam activity relevant to each member's jurisdiction.

In October 2010, the ACMA hosted guests from the National Communications Commission of Taiwan for the second Australia–Taiwan Anti-Spam Bilateral Meeting. This meeting takes place as part of the MOU between the Australian Commerce and Industry Office (ACIO) in Taipei and the Taipei Economic and Cultural Office (TECO) in Australia. The main topic of conversation was SMS spam, as Taiwan was yet to determine whether to include it in draft anti-spam legislation.

On 18 March 2011, the ACMA hosted guests from the Competition Bureau in Canada. This meeting came about as a result of the recent introduction of anti-spam legislation in Canada, and allowed the ACMA to share its experience of complaints-handling, compliance and enforcement processes for spam activity.

The ACMA continues to receive assistance from overseas agencies in the exchange of information and it shares information on anti-spam activities and trends.

## Broadcasting complaints and investigations

The ACMA conducts various types of investigations under the BSA. Investigations under Part 11 of the BSA are generally conducted in response to complaints received by the ACMA relating to:

- > a possible breach by a licensed broadcaster of the BSA, the regulations, a licence condition or a code of practice
- > a possible breach by the ABC or SBS of a code of practice.

### Role of the ACMA

The ACMA receives complaints directly from people about possible breaches of the BSA, the regulations and licence conditions. The ACMA's co-regulatory role in dealing with complaints under industry codes is prescribed by the BSA. The BSA provides that a complaint must be made first to a broadcaster and can only be made to the ACMA if the complainant has not received a response within 60 days or is not satisfied with the response. In addition to investigations triggered by complaints, the ACMA can instigate its own investigation and the Minister for Broadband, Communications and the Digital Economy can also direct the ACMA to conduct an investigation.

The ACMA's performance of its role is informed by section 5 of the BSA, which requires the ACMA to, among other things:

- > produce regulatory arrangements that are stable and predictable
- > deal effectively with breaches of the legislation
- > use its powers in a manner that is commensurate with the seriousness of the breach concerned.

### The ACMA's powers

The ACMA has a range of powers with which to address breaches of the rules (including, in particular, the program standards and licence conditions) established by the BSA and the codes developed under the BSA.

Where there has been a breach of a code, the ACMA may accept an enforceable undertaking for the purpose of securing future compliance with the code or impose an additional licence condition under section 43 of the BSA requiring a licensee to comply with the code (for example, if there is a number of breaches by a licensee of the same obligation).

For a licence condition to be imposed under section 43, the ACMA first needs to give the licensee written notice of its intention to impose the licence condition. The licensee must be given a reasonable opportunity to make representations to the ACMA about the proposed licence condition and it must be published in the *Commonwealth Gazette* before becoming effective. The licensee can apply for the ACMA's decision to be reviewed by the Administrative Appeals Tribunal.

In the event of a breach of a licence condition, including an additional licence condition imposed by the ACMA under the BSA, the ACMA has the power to give the licensee a remedial direction requiring compliance, or to suspend or cancel the licence. What, if any action will be taken depends on the facts.

If the ACMA has convincing evidence that codes of practice have failed to provide appropriate community safeguards concerning a matter, it can determine a new program standard to apply to a particular section of the broadcasting industry.

### Complaints process—codes of practice

If a person wishes to complain about something they have seen or heard on a program broadcast by a radio or television station, and the matter is covered by a code of practice, the person must, by law, first make a written complaint to the station.

Table 30 includes investigations that, during the reporting period, have resulted in formal enforcement action. The ACMA may also informally agree to accept measures by broadcasters to improve compliance following breaches of codes of practice. For example, the ACMA has, on many occasions, agreed on measures with licensees involving action intended to ensure they address compliance problems.

The numbers of complaints and investigations about radio and television licensees' compliance with codes of practice, licence conditions, standards and the BSA are provided in Table 30. Details of breach and non-breach findings by state and territory and category of broadcasting service are in Appendix 6.

## Community broadcasting enquiries

During the reporting period, the ACMA received 670 enquiries about community broadcasting matters including:

- > requirements for setting up a temporary or long-term community radio broadcasting service
- > the process for changing the transmission site or increasing the transmission power for a community broadcasting service
- > whether the ACMA is allocating community licences for the digital transmission of community radio or television services
- > the procedure for making a complaint that a community station is not complying with a licence condition or a code of practice.

Of these enquiries, 90 per cent (603) were actioned within a time frame of seven days.

## Control

The ACMA's broader role in media ownership and control rules is discussed under *Ownership and control* on page 36. There was one formal investigation into compliance with the ownership and control limits in the BSA in the 2010–11 financial year. The investigation related to directorship limit breaches by Mr Lachlan Murdoch and Ms Siobhan McKenna, discussed on pages 38–39.

**Table 30: Summary of broadcasting complaints and investigations for commercial, national and community broadcasters**

<b>Written complaints and enquiries received</b>	<b>1,512</b>
<b>Written complaints and enquiries actioned within time frame of seven days</b>	<b>1,430 (94.5%)</b>
<b>Investigations completed</b>	<b>197*</b>
<b>Investigations resulting in breach findings</b>	<b>72</b>
Investigations of compliance with BSA	1
Investigations of compliance with licence conditions or standards	41**
Investigations of compliance with codes of practice	30
<b>Investigations resulting in non-breach findings</b>	<b>115</b>
Investigations of compliance with BSA	4
Investigations of compliance with licence conditions or standards	28
Investigations of compliance with codes of practice	83
<b>Investigations concluded where, for example, the complaint is withdrawn</b>	<b>10</b>
<b>Investigation completed within time frame of six months</b>	<b>167 (84.7%)</b>
<b>Investigations resulting in enforcement action</b>	
General Television Corporation Pty Ltd—enforceable undertakings provided, which included agreeing to pay \$200,000 to charity in the event of any future breach of the relevant code provision involving Mr Newman. Also agreed to a number of other provisions, including a wide-ranging reporting regime and training obligation.	
5RM Riverland commercial radio—enforceable undertaking provided for compliance with local news and information requirements.	
Good News Broadcasters Inc. (6SON) community radio—enforceable undertaking provided requiring 6SON to improve its corporate governance and management practices, conduct appropriate training and develop a strategy to encourage community participation.	
WIN Pty Ltd—enforceable undertakings provided and accepted by the ACMA for incorrect classification of an episode of <i>Dante's Cove</i> (titled 'In the Beginning').	
<b>Section 21 opinions</b>	
Applications for section 21 opinions received	0
Applications for section 21 opinions actioned within statutory time frames	0
Applications for section 21 opinions remaining to be actioned at 30 June 2011	0
*Not all investigation details are made public; therefore, not all investigations are listed in Appendix 6.	
**Some investigations that resulted in breach findings against compliance with licence conditions or standards may also result in breach findings of compliance with codes of practice. For the purposes of the annual report, these investigations have only been counted once. For further details, see Appendix 6.	

### Category-of-service opinions

Section 21 of the BSA allows a person who is providing, or who proposes to provide, a broadcasting service to apply to the ACMA for an opinion as to which category of broadcasting service the service falls into. During the reporting period, the ACMA provided one such opinion, which is the same as provided in the previous reporting period.

Category-of-service opinions must be provided to applicants within strict statutory deadlines. The opinion provided by the ACMA during the reporting period was within the required statutory time frame. Under the BSA, the ACMA can only make its opinion public once the service has commenced.

### Complaints under Conditional Access Scheme for satellite access to digital television

The Viewer Access Satellite Television (VAST) service is a government initiative to provide people in remote areas and terrestrial digital television 'black spots' with access to a metropolitan-equivalent suite of digital television services. On 9 December 2010, the ACMA registered conditional access schemes governing access to the VAST service in those parts of Australia where a digital television satellite service is being provided on a permanent basis. The schemes provide that viewers who cannot receive digital commercial television services terrestrially can access digital commercial television services on VAST. Viewers who were refused access to VAST services by the scheme administrator can, under certain conditions, complain to the ACMA. The ACMA has the power to direct the scheme administrator to enable VAST access for viewers who cannot access terrestrial digital television services.

The ACMA received 101 complaints between the commencement of the conditional access schemes on 9 December 2010 and 30 June 2011. The ACMA finalised the investigation of 82 complaints and issued 65 directions to the scheme administrator to grant VAST access to the complainants. The remaining 17 complaints have been withdrawn as the affected viewers gained access to either VAST or terrestrial television services before the investigation was finalised. Of the 101 complaints received, 19 were still under investigation at the end of the year.

See also *Viewer Access Satellite Television (VAST) service* on page 44.

### Children's Television Standards

In 2010–11, the ACMA investigated the broadcast of two advertisements in which it found breaches of the Children's Television Standards 2005 (the CTS 2005) and Children's Television Standards 2009 (the CTS 2009).

The ACMA's first investigation related to the broadcast by five Network Ten licensees and five Seven Network licensees of a 'Streets Paddle Pop Lick-a-Prize' advertisement.

The ACMA's investigation concluded that three Network Ten licensees and Channel Seven Brisbane Pty Ltd:

- > breached the provisions in the CTS 2005 and the CTS 2009 restricting the repetition of advertising in a children's 'C'-program period
- > made references to a premium offer—chance to win prizes with the purchase of Paddle Pops—in the advertisement that were more than 'merely incidental'
- > did not broadcast the advertisement during preschool 'P'-program periods, which was prohibited.

In response to the ACMA's findings, the licensees undertook a range of measures including training sessions for their staff and implementing procedures to ensure future compliance.

The second investigation—initiated by the ACMA under section 170 of the BSA—concerned Channel Seven Sydney Pty Ltd's broadcast of a 'Hogs Breath Cafe' advertisement, which it showed during a C-program period.

The investigation concluded that, in broadcasting the advertisement, Channel Seven Sydney breached the CTS 2009 provisions restricting the use of popular personalities and proprietary characters in endorsing commercial services during C-program periods (V8 Supercars drivers and the 'Hogster' were used in the advertisement to promote or endorse the food service offered by Hogs Breath Cafe). In response to this breach finding, Channel Seven Sydney referred the advertisement to Commercials Advice (CAD) for reclassification of the advertisement (and other advertisements that may not have been compliant), and reviewed its internal advertisement scheduling procedures.

### Anti-terrorism standards

On 9 December 2010, the ACMA completed its investigation into the broadcast of the Al-Manar Television service in Australia via an overseas-based satellite company, finding the licensee breached two parts of the Open Narrowcast Television Codes of Practice 2009:

- > clause 1.2—broadcasting a current affairs program (*With the Viewers*) where the material was not presented fairly
- > clause 1.3—broadcasting a program (*With the Event*) that was likely to gratuitously vilify a group on the basis of ethnicity and religion.

Informed by the investigation, the ACMA decided on 24 March 2011 to revoke:

- > the Broadcasting Services (Anti-terrorism Requirements for Open Narrowcasting Television Services) Standard 2008
- > the Broadcasting Services (Anti-terrorism Requirements for Subscription Narrowcasting Television Services) Standard 2008.

These were replaced with:

- > the Broadcasting Services (Anti-terrorism Requirements for Open Narrowcasting Television Services) Standard 2011
- > the Broadcasting Services (Anti-terrorism Requirements for Subscription Narrowcasting Television Services) Standard 2011.

The new standards, which were scheduled to commence on 1 July 2011, provide more appropriate community safeguards. They have additional provisions that prohibit the broadcast of a program that ‘advocates the doing of a terrorist act’. This change is intended to help open and subscription narrowcasting television licensees ensure that prohibited terrorism-related content and programming is not broadcast.

Compliance with the 2011 standards is a condition of class licences including subscription narrowcasting and open narrowcasting licences (paragraph 11(1)(b) of Schedule 2 of the BSA). A breach of that condition is an offence under section 139(6) of the BSA.

### Anti-siphoning provisions

In the reporting period, the ACMA continued its general monitoring, compliance and investigation functions for anti-siphoning. Investigations are conducted under the BSA and are limited to alleged breaches of the anti-siphoning licence condition imposed on subscription television broadcasting licences. As part of this role, the ACMA also dealt with 50 complaints/enquiries from concerned sports viewers about the availability of programs on free-to-air television.

On 14 July 2010, the ACMA concluded an investigation into whether FOXTEL Cable Television Pty Ltd (Foxtel) breached the anti-siphoning provisions in the BSA. The investigation examined Foxtel’s acquisition of the rights to televise the quarter-finals, semi-finals and finals of the French Open Tennis Tournament 2009 and the British Open Golf Championship 2009. These events were included on a list specified by the minister, under section 115 of the BSA.

The ACMA found no evidence that Foxtel acquired the rights to the events prior to commercial television licensees having the rights to televise them. Accordingly, there was no breach of the anti-siphoning provisions. Refer to the ACMA’s regulatory role in Chapter 3 for further information about the operation of the anti-siphoning rules.

### Commercial radio standards

The ACMA monitors three commercial radio broadcasting standards. Within the reporting period, seven investigations were undertaken for the Broadcasting Services (Commercial Radio Advertising) Standard 2000 (the Advertising Standard) and the Broadcasting Services (Commercial Radio Current Affairs Disclosure) Standard 2000 (the Disclosure Standard). No investigations were undertaken for the Broadcasting Services (Commercial Radio Compliance Program) Standard 2000 (the Compliance Program Standard).



### **Investigations under the advertising standard**

On 7 December 2010, the ACMA published Investigation Report 2422, which found that Radio 2UE Sydney Pty Ltd (the licensee of commercial radio station Radio 2UE) had not breached the Advertising Standard during the *Sports Today* program on 5 March 2010—the live-cross interview advertisement investigated was presented in such a manner that the reasonable listener was able to distinguish it from other program material. Investigation Report 2422 also found that Radio 3AW Melbourne Pty Ltd (the licensee of commercial radio station 3AW) and Radio 6PR Perth Pty Ltd (the licensee of commercial radio station 6PR) had not breached the Advertising Standard during its programming for the same reasons.

On 7 December 2010, the ACMA published Investigation Report 2424, which found that Harbour Radio Pty Ltd (the licensee of Radio 2GB) had not breached the Advertising Standard during the *Ray Hadley Morning Show* of 26 February 2010—the live-cross interview advertisement investigated was presented in such a manner that the reasonable listener was able to distinguish it from other program material.

### **Investigations under the disclosure standard**

Investigation Report 2422 also dealt with matters under the Disclosure Standard and found that Radio 3AW Melbourne Pty Ltd (the licensee of commercial radio station 3AW) had not breached the Disclosure Standard in respect of its website register of current commercial agreements and ACMA notifications.

Investigation Report 2422 found that Radio 4BC Brisbane Pty Ltd and Radio 6PR Perth Pty Ltd had breached Part 5 of the Disclosure Standard by failing to provide full particulars of an agreement between presenters of current affairs programs and sponsors on their websites, and/or in its commercial agreement notification to the ACMA. Each licensee subsequently corrected the appropriate websites and ACMA notifications.

Investigation Report 2424 also dealt with matters under the Disclosure Standard and found that Harbour Radio Pty Ltd (the licensee of Radio 2GB) had breached Part 5 of the Disclosure Standard by failing to provide full particulars of agreements between presenters of a current affairs program and sponsors on its website, or in its commercial agreement notification to the ACMA. The licensee subsequently corrected its website and ACMA notification.

On 19 October 2010, the ACMA completed its investigation 2365 into compliance by 2GF AM Radio Pty Ltd with the Disclosure Standard. Based on information provided by the licensee, it made no finding on the licensee's compliance.

On 11 October 2010, the ACMA published Investigation Report 2477, which found that Victorian Radio Network Pty Ltd (the licensee of Radio 1116 SEN Melbourne) had not breached the Disclosure Standard when a guest contributed to broadcasts of the *Hungry for Sport* program on 26 and 27 April 2010.

### **Investigations under broadcasting licence conditions**

#### **Investigation 2470—NBN Ltd (NSW, NBN Evening News) and Investigation 2474—TCN Channel Nine Pty Ltd (A Current Affair)**

In response to two breach findings of the BSA captioning provisions on 10 January 2011, Nine agreed to put in place an independent audit system to better ensure compliance. From 14 March 2011, the captioning process and delivery at both TCN and NBN will be independently audited six-monthly over a period of two years.

### **Investigations under broadcasting codes of practice**

#### **Investigation 2431**

During the reporting period, the ACMA conducted an investigation into a news bulletin broadcast during *Seven Nightly News*, on 20 May 2010 by Channel Seven (Sydney) Pty Ltd, the licensee of ATN Sydney.

The news bulletin reported on the resignation of a New South Wales member of parliament following the licensee's investigation into his visits to a 'gay sex club'. The broadcast alleged the minister used a ministerial car during 'family friendly' hours to visit the club and included visual footage of him leaving the club and walking along a road, accompanied by the reporter's verbal commentary on the sexual services provided by the club.



The ACMA received a complaint about this program and found no breach of clauses 1.9.6 and 4.3.5 of the Commercial Television Code of Practice 2010.

Clause 1.9.6 relates to material that is likely to provoke or perpetuate intense dislike, serious contempt or severe ridicule against a person or group of persons on the grounds of sexual preference. The ACMA found no breach of this clause as the material inferring sexual preference made no adverse comments about sexual preference.

Clause 4.3.5 relates to the use of material about a person's personal or private affairs that invades their privacy, other than where there is an identifiable public interest reason for the material to be broadcast.

The ACMA found that, although the bulletin used material about the minister's personal or private affairs and invaded his privacy, it was justified on a narrow public interest ground.

#### **Investigations 2331 and 2341**

During the reporting period, the ACMA conducted an investigation into the *AFL Footy Show*, broadcast on 17 September 2009 by General Television Corporation Pty Ltd (the licensee of GTV) and Nine Network's Adelaide affiliate, Channel 9 South Australia Pty Ltd (the licensee of NWS).

During the segment, the presenter commented on the marriage of a Malaysian man to a much older woman. The ACMA found the presenter's repeated reference to the man as a 'monkey' and the statement that he was 'not long out of the forest' amounted to 'severe ridicule'.

Under the code, commercial broadcasters may not broadcast a program, program promotion, station identification or community service announcement that is likely to provoke intense dislike, serious contempt or severe ridicule against a person or group of persons on the grounds of age, colour, gender, national or ethnic origin, disability, race, religion or sexual preference.

The ACMA found that the segment broadcast on 17 September 2009 as part of the *AFL Footy Show* breached the code as it was likely, in all the circumstances, to have provoked severe ridicule on the grounds of colour and race.

In March 2009, the ACMA found that GTV Nine had breached the same code provision during the 'Sam's Mailbag' segment of the *AFL Footy Show*. On that occasion it was found that the broadcast material had been likely to have provoked severe ridicule on the grounds of gender.

Nine agreed to pay \$200,000 to charity in the event of any breach of the relevant code provision during the *AFL Footy Show* up to and including September 2012. GTV Nine also agreed to a number of other enforceable undertaking provisions, including significant senior management overview of the material to be used by the presenter and a two-year wide-ranging reporting regime and training obligation.

#### **The Nine Network's complaints-handling enforceable undertaking**

Following a number of breaches of complaints-handling provisions since 2006 by the Nine Network, Nine has provided the ACMA with an enforceable undertaking. This is designed to underpin Nine's improved compliance with the complaints-handling provisions of the code.

Key features of Nine's undertaking are its obligations to:

- > send responses to postal complaints by either registered mail or Express Post
- > maintain a register of all code complaints
- > provide the ACMA with:
  - > monthly reports on complaints received and processed
  - > quarterly reports on compliance prepared by an independent auditor.

#### **Program classification**

##### **Enforceable undertakings**

In July 2010, the ACMA determined that the Nine Network (licensee of GTV) breached the Commercial Television Industry Code of Practice 2004 by incorrectly classifying as AV an episode of the program *Dante's Cove*.

The ACMA had found WIN in breach of the code in May 2010. Enforcement action was deferred until the investigation into GTV was completed. The ACMA subsequently accepted enforceable undertakings from GTV and WIN regarding the classification of *Dante's Cove*. To date, WIN and GTV have met their obligations under the enforceable undertakings.

In August and November 2009, the ACMA accepted enforceable undertakings from Foxtel and Austar respectively regarding classification and complaints-handling procedures. This followed findings in May 2009 that both licensees had incorrectly classified programs MA15+.

During the reporting period, Foxtel and Austar continued to meet their obligations under the enforceable undertakings. In all cases, the enforceable undertakings appear to have successfully addressed the classification issues identified by the ACMA's investigations.

### Online content complaints

The ACMA received 4,865 complaints about online content in the period 1 July 2010 to 30 June 2011, more than quadruple the number of complaints received in 2008–09. A complaint may contain multiple items, with an 'item' referring to an individual article of content such as a web page, image or file. Since 1 January 2000, the ACMA has received over 16,000 complaints, investigated over 17,000 items of online content and taken action on more than 10,000 items of prohibited or potentially prohibited content.

During the reporting year, there was a 51 per cent increase in the number of complaints received. The overall complexity of the complaints and resulting need for a proportion of these to be referred to the Classification Board affected the time frames in which the ACMA conducted its investigations. Consequently, the ACMA did not deal with all complaints within the applicable time frame but the majority of critical priority complaints (those dealing with child abuse material) continued to be dealt with within two business days.

Of the complaints received during the year, 217 were invalid as they did not contain information required by the BSA. During 2010–11, the ACMA continued to observe a significant increase in the number of items investigated, finalising investigations into 6,587 items of online content compared with 3,828 items of online content in the previous year. This is an increase of 72 per cent, following an increase of 68 per cent in 2009–10 compared with 2008–09.

The continued increase in complaints received by the ACMA is likely due to a range of factors including:

- > an increased number of Australian families who are online

- > greater awareness of the potential dangers of harmful content
- > increased awareness of how to report suspected prohibited content
- > greater community interest in online content regulation issues and the role of the ACMA in this area.

Of the investigations completed, 1,957 items of prohibited or potentially prohibited content were identified (see Table 31). A total of 174 investigations were terminated because the ACMA was unable to obtain sufficient information on which to base a decision, usually because the content identified by the complaint could not be located. The ACMA also referred 166 items of content to the Classification Board for formal classification.

The introduction of Schedule 7 of the BSA in 2007–08 established new mechanisms for dealing with complaints about live content services and Australian-hosted links to prohibited content. During the current reporting period, final 'take-down' notices were issued for nine items of Australian-hosted prohibited content and final 'link-deletion' notices were issued for three links that were provided by a links service provider with an 'Australian connection'. No service-cessation notices were issued for live content services provided from Australia.

A total of 1,945 overseas-hosted prohibited or potentially prohibited items of internet content investigated during the reporting period were referred to the makers of internet software filters under Schedule 5 of the BSA and the registered Internet Industry Association code of practice for dealing with such material.

Under the BSA, prohibited content is defined with reference to the National Classification Code categories set out in the *Classification (Publications, Films and Computer Games) Act 1995*. Approximately 62 per cent of items that were prohibited or potentially prohibited were, or were likely to be, refused classification. Of items classified Refused Classification, or found likely to be classified Refused Classification, 87 per cent constituted an exploitative or offensive depiction or description of a child, or were otherwise concerned with paedophile activity.

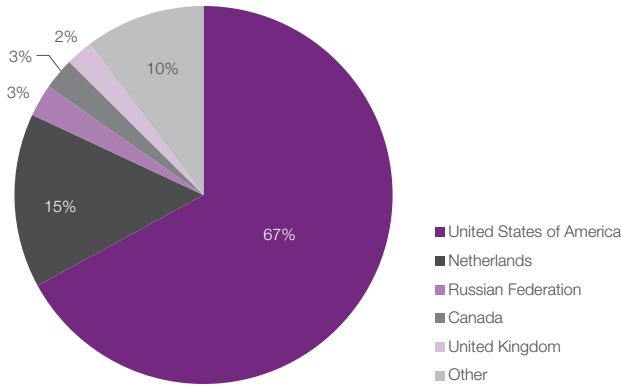
Table 31 shows the breakdown by content type of items actioned as a result of completed investigations in which prohibited or potentially prohibited content was located.

**Table 31: Prohibited/potentially prohibited internet content 2010–11, items actioned**

Actual or likely classification and description of online content	Online content hosted in or provided from Australia (take-down, service-cessation or link-deletion notice issued)	Internet content items hosted overseas (referred to makers of filters)	Total
MA 15+ — Drug use	0	0	0
MA 15+ — Language	0	0	0
MA 15+ — Nudity	0	0	0
MA 15+ — Sex	0	0	0
MA 15+ — Themes	0	0	0
MA 15+ — Violence	0	0	0
R 18+ — Drug use	0	0	0
R 18+ — Language	0	0	0
R 18+ — Nudity	0	91	91
R 18+ — Sex	0	44	44
R 18+ — Themes	4	26	30
R 18+ — Violence	0	1	1
X 18+ — Actual sexual activity	1	572	573
RC — Bestiality — depiction	1	14	15
RC — Child — depiction	0	1,054	1,054
RC — Crime — promotion/instruction	0	14	14
RC — Crime — depiction	0	1	1
RC — Cruelty — depiction	0	0	0
RC — Drug use — promotion/instruction	0	5	5
RC — Offensive/abhorrent phenomena	1	6	7
RC — Paedophilia — promotion/instruction	0	3	3
RC — Sexual fantasy — depiction	0	19	19
RC — Sexual fetish — depiction	4	68	72
RC — Sexual violence — depiction	0	15	15
RC — Terrorist material	0	3	3
RC — Violence — depiction	0	9	9
RC — Violence — promotion/instruction	0	0	0
RC — Computer game	1	0	1
RC — Publication	0	0	0
Cat 1 — Publication	0	0	0
Cat 2 — Publication	0	0	0
<b>Total</b>	<b>12</b>	<b>1,945</b>	<b>1,957</b>

As shown in Figure 9, the US continued to account for the majority of prohibited online content provided from outside Australia.

Figure 9: Prohibited or potentially prohibited internet content by host location, 2010–11



**Interactive gambling**

The *Interactive Gambling Act 2001* (the IGA) makes it an offence to provide certain types of gambling services to Australians and to advertise such services in Australia. Under the IGA, the ACMA is responsible for investigating complaints about alleged prohibited interactive gambling content and for registering industry codes of practice dealing with interactive gambling matters.

Part 3 of the IGA establishes a complaints system for prohibited internet gambling content. In 2010–11, the ACMA received 97 complaints and enquiries under the IGA. Of the 48 investigations completed in the period, 38 resulted in the location of overseas-hosted prohibited internet gambling content. These services were referred to makers of filter software in accordance with the code of practice registered under the IGA. The services were also referred to the Australian Federal Police. One complaint received in the period referred to potentially prohibited Australian-hosted internet gambling content and this was referred to the Australian Federal Police for further investigation (see Table 32).

Table 32: Summary of interactive gambling complaints and investigations—IGA

Written complaints and enquiries received	97
Investigations commenced	57
Investigations completed	48
Investigations of overseas-hosted sites resulting in breach findings	38
Investigations of overseas-hosted sites resulting in non-breach findings	7
Investigation terminated because of insufficient information	3
Investigations invalid	7
Investigations commenced but yet to be completed	2
Australian-hosted sites referred to the Australian Federal Police*	1

*\*Section 20(3)(a) of the IGA instructs the ACMA not to investigate a complaint about internet content that is hosted in Australia and, if the ACMA considers it warranted, to refer the complaint to an Australian police force.*

## Case study

# Cooperation between the ACMA and INHOPE to remove online child abuse material

As part of its role to regulate online content, the ACMA is a member of the International Association of Internet Hotlines (INHOPE), along with member hotlines from Europe, Asia and America. INHOPE members deal with complaints about illegal internet content, particularly child sexual abuse material, to ensure rapid and effective response to illegal content reports. Illegal activity on the internet is a multi-jurisdictional problem. Often material reported to a hotline is hosted beyond the borders of its own country or perpetrators are located abroad, making international coordination between hotlines essential. Illegal online content hosted within a hotline's jurisdiction is referred to law enforcement agencies in that country, and to the internet service provider hosting the content, for removal.

In October 2010, the ACMA's Content Classification Section received referrals from the Internet Watch Foundation in the UK and the Friendly Runet Foundation in Russia about a web page containing child sexual abuse imagery, which appeared to be hosted by an Australian company.

The ACMA responded swiftly by:

- > identifying through technical analysis that the content was being hosted by a service provider located in the US
- > referring the matter to the National Center for Missing and Exploited Children in the US, who successfully had the content removed from the internet
- > forwarding information about suspected Australian affiliations to the content to Australian Police who have launched an investigation into an Australian individual associated with the website.

This outcome highlights the important work the ACMA undertakes on a daily basis and the strong relationships it has with Australian law enforcement agencies and its international counterparts in dealing with online child abuse material.

## National interest issues

---

Agencies involved in the national security of Australia, law enforcement and emergency services have special operational requirements in their interaction with the services of the telecommunications industry.

### Law enforcement liaison

The ACMA convened the Communications Security and Enforcement Roundtable (CSER) once during the reporting period. CSER operates as a clearing house for issues and is an open forum for its members to share information and progress regulatory and operational issues about law enforcement. When required, it also functions as a mechanism for assisting the ACMA with its responsibilities.

To complement the CSER, and for other discrete reasons, a separate and smaller strategic policy group (the Experts Group) has been established by the Attorney-General's Department and DBCDE. The ACMA is a member of the Experts Group.

### Identity-checking requirements for prepaid mobile phone services

Under ministerial direction, the ACMA administers a determination that requires CSPs to collect and verify identity information about the purchasers and end users of prepaid mobile services.

DBCDE is currently reviewing the underlying arrangements for identity-checking for prepaid mobile services. The ACMA is contributing to this review.

### Disclosure of customer information to law enforcement and national security agencies

Customer information provided by telecommunications carriers and CSPs to law enforcement and national security agencies is protected under Part 13 of the Telecommunications Act. Carriers and CSPs are prohibited from disclosing that information to other parties except in certain limited and restricted circumstances. Those circumstances generally relate to:

- > assisting in investigations by law enforcement or national security agencies, or the ACMA, ACCC or TIO
- > where there is an imminent threat to a person's life or health
- > satisfying the business needs of other carriers and CSPs.

The ACMA is required under clause 57(2)(f) of the ACMA Act to include in its annual report information on disclosures of customer information made during the reporting year. The number and type of disclosures made during 2010–11, as reported to the ACMA under section 308 of the Telecommunications Act, are provided at Appendix 10.

### Disclosure of Integrated Public Number Database (IPND) data for telephone-based emergency warning systems

Part 13 of the Telecommunications Act allows information contained in the IPND to be disclosed for the operation of telephone-based emergency warning systems by the states and territories.

The number of telephone numbers that were disclosed under sections 295V(1) and 295V(2) of the Telecommunications Act are provided at Appendix 10.

### Industry code—Handling of Life Threatening and Unwelcome Communications

In April 2010, the Communications Alliance submitted the industry code C525:2010 *Handling of Life Threatening and Unwelcome Communications* to the ACMA for registration. The ACMA contributed to the review of the industry code, which includes new provisions to enable industry management of unwelcome communications to the emergency call service. The ACMA formally registered the code on 22 July 2010.

## Emergency call service

The emergency call service is a national operator-assisted service that connects emergency callers free-of-charge to state and territory emergency service organisations—police, fire and ambulance. The service is designated for emergencies that are life-threatening or time-critical.

The primary emergency call service number is Triple Zero (000), which can be accessed from any fixed-line or mobile phone. In addition, there are two secondary emergency call service numbers in operation—112, which can be accessed from GSM mobile phones, and 106 for text-based emergency calls from people who are deaf or have a hearing or speech impairment.

Telstra is the emergency call person (ECP) for the Triple Zero (000) and 112 emergency call service, while Australian Communication Exchange Ltd is the ECP for the 106 emergency call service.

The ACMA's regulatory role for the emergency call service arises under a broader policy, legal and institutional framework set by the government. That framework has the following elements:

- > Telstra is the designated ECP for 000 and 112.
- > Telstra takes calls via all CSPs and transfers them to relevant emergency service organisations (ESOs) in each state and territory.
- > When the ECP transfers the calls, it takes the location information stored in the IPND associated with the number (in the case of fixed-line services) or asks the person where they are (for nomadic services such as mobiles).
- > The ACMA places obligations on carriers, CSPs and the ECP to ensure that customers can access the emergency call service. The ACMA is also responsible for authorising access to the IPND.

The ACMA does not have responsibilities for the roles of the ESOs once a call has reached them. This is a matter for state and territory governments. The ACMA works cooperatively with the ECPs and ESOs on addressing issues that are within its remit.

Overarching policy responsibility for the Commonwealth's emergency management response resides with the Attorney-General's Department, who handles matters such as emergency warning systems.

## Emergency Call Service Advisory Committee

As part of its role in regulating and monitoring the emergency call service, the ACMA convenes the Emergency Call Service Advisory Committee (ECSAC). This provides a forum for representatives of the telecommunications industry, ECPs and ESOs to provide advice to the ACMA and discuss priority issues affecting the operation of the service.

ECSAC met twice in 2010–11 and provided advice on a range of matters including:

- > the development of new rules to enhance the provision of mobile location information for the emergency call service
- > the effect of new communications technologies on the emergency call service
- > the implementation of initiatives to reduce the number of non-life-threatening emergency calls to the emergency call service
- > the development of possible smartphone applications to improve access to the 106 text emergency call service
- > VoIP Out-only services and the emergency call service
- > public awareness campaigns for Triple Zero (000).

ECSAC membership is listed in Appendix 2.



## Review of ECSAC

During the reporting period, the ACMA commenced a review of ECSAC. The review is considering how best to support the ACMA's functions in this area. The review will be completed later in 2011.

## Enhanced mobile location for emergency service organisations

In January 2011, the ACMA made new emergency call service rules to improve the provision to ESOs of location information from mobile calls to Triple Zero. The Telecommunications (Emergency Call Service) Amendment Determination 2011 (No. 1) requires a mobile carrier from 20 April 2011 to:

- > provide the most precise location information it has available on request from an ESO
- > resolve emergency call location queries with the highest possible priority
- > ensure ESOs are provided with a designated contact point and telephone number for location queries, or have a dedicated process for location queries
- > assist an ESO to identify the relevant mobile network carrying the emergency call.

The new rules were made after consultation with mobile carriers, the ECPs and ESOs, and represent an important step in improving the delivery of mobile location information to enhance the emergency call service.

In addition, the ACMA is continuing to explore with industry and ESOs the potential automatic provision of enhanced mobile location with every emergency call.

## Reducing the volume of non-emergency calls

An ongoing issue has been to reduce the volume of calls to the ECP that are not related to an emergency. Of the 8.86 million calls made to the ECP during 2010–11, 5.35 million calls were connected through to an ESO.

Calls that are categorised as non-emergency may include instances of deliberate nuisance calls, calls for assistance that are not time-critical, calls to services that are not accessible through the emergency call service—such as state emergency services—and accidental misdials. Ongoing efforts are being made within ECSAC and with the relevant parties to implement a communications campaign in the near future. Promoting the purpose and appropriate use of Triple Zero (000) is one measure to reduce non-emergency calls.

The most effective measure of reducing non-emergency calls to date has been Telstra's introduction of a short recorded voice announcement for the Triple Zero (000) service. Since its introduction on 19 December 2008, the number of calls to Triple Zero (000) reaching the ECP has reduced by approximately 25 per cent, without any genuine calls being affected or complaints being received. Another measure the ACMA is continuing to monitor is the implementation by industry of an escalated warning process, which can ultimately lead to mobile handsets that make repeated non-emergency calls being blocked from making most calls.

## Triple Zero Kids' Challenge

During the reporting period, an ECSAC working group was active in developing initiatives aimed at improving awareness of Australia's emergency call service, particularly among children. The group commissioned work to enhance its online computer game, the Triple Zero Kids' Challenge, which aims to educate children aged between five and 10 about the emergency call service. Over 200,000 users have accessed the game since it was launched in May 2010.

The Triple Zero Kids' Challenge was recognised at the 2010 Australian Safer Communities Awards, receiving a Highly Commended award in the National Significance category.



### **Investigation into VoIP Out-only CSP compliance with Emergency Call Service Determination**

Under recent changes to the Emergency Call Service Determination, providers of VoIP Out-only services are required to either provide access to Triple Zero (000) or meet minimum information requirements and obtain an acknowledgment from the customer that they understand that Triple Zero access is not provided.

In November 2010, the ACMA commenced an investigation into whether VoIP Out-only CSPs who do not provide Triple Zero access were meeting their requirements under the determination. The ACMA issued written notices to 25 CSPs to provide documents or evidence to demonstrate their compliance. In general, the level of compliance was considered high. While seven CSPs were identified as non-compliant, they took comprehensive and prompt action to satisfactorily remedy instances of non-compliance.

### **Integrated Public Number Database**

The Integrated Public Number Database (IPND) is a telecommunications industry-wide database of all listed and unlisted public numbers and their associated customer data. Law enforcement agencies and emergency services regularly access customer data from the IPND and it is critical that the data is accurate for these purposes. The input of high-quality data into the IPND is therefore a priority for the ACMA.

### **Investigation into VoIP CSP compliance with IPND requirements**

As part of its IPND compliance program, in February 2011 the ACMA commenced an investigation into whether CSPs are complying with their obligations to provide accurate customer data to the IPND. The ACMA requested 600 records from the IPND Manager for 30 CSPs to ascertain whether the records contained in the IPND matched the customer records held by the providers. The CSPs selected include both the large and small end of the market and take into account the results of the ACMA's 2009–10 IPND audit.

The ACMA's investigation is continuing.

### **e-Security**

The Australian Internet Security Initiative (AISI) is an important component of the government's E-Security National Agenda (ESNA) and aims to enhance the protection of home users and small to medium enterprises from electronic attacks and fraud by reducing the number of infected computers on the Australian internet.

The AISI, developed and managed by the ACMA, is a key tool to help address the e-security threat posed by 'botnets'—networks of computers that have become compromised through the surreptitious installation of malicious software (malware). This malware enables the computer to be controlled remotely for illegal and harmful activities, including the dissemination of spam, hosting of 'phishing' sites and distributed denial of service attacks on internet infrastructure.

Under the AISI program, the ACMA provides information to participating Australian ISPs about 'compromised' computers residing on their networks. The ISPs may then contact their customers to inform them that their computers are compromised and assist them in restoring correct operation.

During 2010–11, the ACMA:

- > diversified and expanded the data on compromised computers feeding into the AISI, thereby increasing the number of compromises from an average of 11,215 per day at the end of 2009–10 to an average of 16,464 per day at the end of 2010–11
- > enhanced the Spam Intelligence Database—developed in-house by ACMA staff—to enable botnet-generated spam data to be incorporated into the AISI
- > continued to collaborate with members of the Conficker Working Group to provide ISPs with data on computers infected with the Conficker virus
- > provided intelligence to national and international law-enforcement authorities and regulators on suspected botnet-related online criminal activity

- > increased the number of ISP participants by approximately 30 per cent, with 82 ISPs participating at 30 June 2010 and 107 ISPs participating at 30 June 2011. It is estimated that participating ISPs account for well over 90 per cent of Australian home internet users
- > actively promoted the Internet Industry Association's 'iCode' to its AISI members. The iCode specifies a range of responses by ISPs to reports of compromised computers on their networks, including contacting affected customers to advise them of the compromise and undertaking related technical actions. The iCode, which came into effect on 1 December 2010, is complementary to the AISI as the AISI is the primary source of compromise data received by ISPs.

The high level of compromise reports per day made through the AISI underscores the need for internet users to be vigilant in maintaining the security of their computers and not engaging in practices—such as visiting 'suspect' websites—that cause their computers to become infected. The solution to the botnet problem will require a coordinated international approach, as botnets are made up of computers located in multiple countries.

The ACMA will continue to actively promote international cooperation in this area during 2011–12. At the request of international regulators, in 2010–11 the ACMA presented at conferences in Germany, New Zealand and Korea on the merits of the AISI approach to botnet mitigation, which is increasingly being adopted in international jurisdictions.

The ACMA also presented its research into international comparative approaches to cybersecurity education at APEC-TEL 43 in August 2010 and at the Asia-Pacific Telecommunity Cybersecurity Forum in Cronulla in November 2010.

## International matters

---

The international communications and media environment continues to evolve at a rapid rate, with the key drivers being the move to next generation networks (NGNs) and the converging of communication services. During this reporting period, the ACMA has pursued a defined international engagement strategy to complement its overall strategic direction. Improving its ability to influence regulatory outcomes, as well as supporting the ACMA's intention to be, and be recognised as, the world's leading converged communications regulator by the end of 2011, are the key objectives of the international engagement strategy. The ACMA engages internationally to:

- > meet its strategic objectives and legislative requirements where these require international activity, including the areas of online content, spam, e-security, cybersafety, radiocommunications and telecommunications
- > support Australia's domestic needs and whole-of-government objectives, including trade, international competitiveness and regulatory capacity
- > support external positioning objectives, which assist the ACMA to continue to be a credible source of advice to government and industry on international matters.

Major international engagement activities undertaken by the ACMA in the reporting period include:

- > representing Australia at the International Telecommunication Union (ITU), including participation in both strategic and technical forums in cooperation with DBCDE
- > establishing and maintaining strategic relationships with relevant international stakeholders through the development of formal memoranda of understanding, bilateral meetings and discussions at a senior management level

- > hosting delegations and visitors from relevant overseas stakeholders, both to share information about Australia's communications and media environment, and to learn about potential regulatory better practice
- > undertaking capacity-building, education and development activities for representatives of national regulatory agencies in the Asia-Pacific region.

Part of the ACMA's engagement strategy involves the development of relationships with fellow regulators, together with strengthening bilateral relationships with regional authorities and standards development bodies. In 2010–11, the ACMA completed negotiations to establish a memorandum of understanding with the Republic of Korea Communications Standards Commission.

The ACMA continues to have a strong involvement with the Asia-Pacific Telecommunity (APT)—a peak regional ICT body that coordinates the views of member countries on telecommunications and radiocommunications, and represents them more widely at an international level, particularly to the ITU. In 2010–11, the ACMA participated in APT preparatory meetings for the 2010 ITU Plenipotentiary Conference (PP10), and hosted many visits from representatives of regulatory agencies from countries in the region.

### **Hosting delegations from overseas stakeholders**

The ACMA hosts a number of overseas visits to Australia from representatives of other communications regulators, government and non-government organisations. These visits facilitate collaboration and information exchange on communications policy and regulation issues. During 2010–11, the ACMA hosted international visitors from countries including Thailand, Japan, Korea and India. Topics discussed included spectrum management and apparatus licensing to electromagnetic compatibility (EMC) procedures and technical standards.

### **International Training Program**

In December 2010, the ACMA hosted the International Training Program (ITP) in partnership with the ITU. The ITP is part of the Australian Government's commitment to broaden and deepen its links with the international community—particularly in the Asia-Pacific region—and provides a collaborative learning opportunity for middle and senior managers from regulatory agencies in the region and beyond. The 2010 ITP was well regarded and attracted 730 participants from 33 countries. It has increased Australia's regional influence and relationship-building, firmed our relationship with the ITU and led to the establishment of ongoing collaboration between the ACMA and regulatory and related agencies in the Asia-Pacific region.

Planning is currently underway for an ITP to be held in Melbourne in November 2011.

### **Trans-Tasman Mutual Recognition Agreement**

The ACMA met with the New Zealand Ministry of Economic Development in April 2011. This meeting was part of the ACMA's continuing activities to harmonise the standards and compliance arrangements for radiocommunications and electromagnetic compatibility (EMC) under the Trans-Tasman Mutual Recognition Agreement (TTMRA). The agreement, between the federal, state and territory governments and the New Zealand government, aims to remove regulatory barriers to trade in certain goods and services between Australia and New Zealand.

### **INHOPE**

The ACMA is a member of the International Association of Internet Hotlines (INHOPE). INHOPE member hotlines deal with complaints about illegal internet content, mainly child abuse material. The association is partly funded by the European Commission under the hotline component of its Safer Internet Plus program.

The ACMA was represented at the INHOPE members' meetings held in Amsterdam from 2 to 3 November 2010 and Lithuania from 17 to 19 May 2011. Members' meetings provide a valuable forum for exchanging information and expertise on investigation techniques, hotline promotion, staff welfare and other hotline management issues.

See also *Case study: Cooperation between the ACMA and INHOPE to remove online child abuse material*, page 115.

---

## **Chapter 3**

### Content regulation and consumer information

An abstract graphic consisting of numerous thin, light gray lines that flow and curve across the page, creating a sense of movement and depth. The lines originate from the left side and fan out towards the right, with some lines curving upwards and others downwards, creating a dynamic, organic shape.

Chapter 3 reflects the ACMA's key result areas related to:

- > **Outcome 1:** A communications and media environment that balances the needs of the industry and the Australian community through regulation, education and advice
- > **Program 1.2:** Consumer safeguards, education and information.

The ACMA's responses to the performance information set out below for Program 1.2 can be found throughout the chapter.

#### Program 1.2: Consumer safeguards, education and information

##### Program 1.2 Key performance indicators

- > The community has access to sufficient information to enable it to make informed decisions about communications products and services.
- > Effective community safeguards are implemented and maintained.
- > Research is undertaken, and stakeholders engaged, to maximise the extent to which information, standards and safeguards address the broad concerns of the community.

##### Program 1.2 Deliverables

- > Information programs delivered in order to raise awareness of rights, obligations and safety issues.
- > Reports on industry compliance with statutory consumer safeguards made available within required timeframes.
- > Develop educational and research initiatives to underpin Cybersafety program.
- > Undertake consultation at regular intervals to receive information and advice on matters affecting consumers of communications services.
- > In cooperation with industry, undertake reviews of communications standards, codes and determinations within appropriate timeframes.
- > Raise awareness of Australia's spam legislation among consumers, businesses and the e-marketing industry through education programs and publications.

## The ACMA's regulatory role

---

The ACMA's role includes informing the community about communications matters and delivering effective consumer protection. To this end, the ACMA provides information to facilitate informed decisions about communications products and services. Industry-developed codes of practice set out the requirements to meet service and information provision obligations.

### Content regulation

The ACMA regulates content delivered by radio, television, the internet, fixed-line telephones and mobile phones. It also monitors commercial television broadcasting licensees' compliance with the Broadcasting Services (Australian Content) Standard 2005 (Australian Content Standard) using its Australian content database. This database contains information provided by the three commercial television networks—Seven, Nine and Ten—under a self-reporting system about the programs broadcast by their metropolitan services. The ACMA also collects compliance information from regional commercial television licensees, including network affiliates and independent broadcasters.

The Australian Content Standard requires all commercial television licensees to broadcast an annual minimum transmission quota of at least 55 per cent Australian programming between 6.00 am and midnight, including first-release and repeat programs. In addition, there are specific minimum annual sub-quotas for first-release Australian drama, documentary and children's programs, as well as sub-quota requirements for repeat children's programs and Australian preschool programs.

The annual quota requirements for first-release Australian programs are:

- > drama—250 points, with 860 points for the three-year period 2008–10. The point system is calculated on the program duration x format factor, which reflects the relative costs and risks associated with the production of particular drama genres
- > documentary—20 hours
- > children's (C) programs—130 hours, including 25 hours of C-drama programs each year and 96 hours of C-drama programs for the three-year period 2009–11.

In 2010, the amount of Australian programming broadcast between 6.00 am and midnight reported by the metropolitan networks averaged more than 55 per cent:

- > the Seven licensees averaged 69.09 per cent (65.32 per cent in 2009)
- > the Nine licensees averaged 64.79 per cent (62.72 per cent in 2009)
- > the Ten licensees averaged 61.03 per cent (57.60 per cent in 2009).

All commercial television broadcasting licensees reported meeting the Australian content requirements in 2010.

### Australian content in advertising

Television Program Standard 23 – Australian Content in Advertising (the Australian Content in Advertising Standard) requires that at least 80 per cent of advertising broadcast each year by commercial television broadcasting licensees between 6.00 am and midnight comprises Australian-produced advertisements.

The three commercial television networks report to the ACMA annually on the amount of Australian advertising they broadcast. In addition, the Commercials Advice Pty Ltd (CAD), wholly owned by Free TV Australia, provides the ACMA with the numbers of advertisements it has classified as Australian or foreign. While the Australian Content in Advertising Standard regulates advertisements actually broadcast, the ACMA uses the CAD information to monitor trends in Australian and foreign content in advertising.

In 2010, the amount of Australian advertising broadcast reported by the metropolitan networks averaged significantly more than 80 per cent:

- > the Seven licensees averaged 87.28 per cent (87.00 per cent in 2009)
- > the Nine licensees averaged 90.83 per cent (91.42 per cent in 2009)
- > the Ten licensees averaged 85.16 per cent (87.23 per cent in 2009).

## Australian music code

Code 4 of the Commercial Radio Codes of Practice sets quotas for the broadcast of Australian music by commercial radio licensees, for analog and digital-simulcast services.

The Australian Music Performance Committee (AMPCOM) monitors commercial radio stations' compliance with their obligation under code 4 and publishes the information towards the end of the calendar year. As a result, only 2009–10 information is available for this annual report.

For the period 2009–10, AMPCOM reported a high level of compliance with the codes by Australian commercial radio stations. AMPCOM's annual report is available on its website at [www.aria.com.au/pages/ampcom.htm](http://www.aria.com.au/pages/ampcom.htm).

## Children's television

Compliance with the Children's Television Standards 2009 (CTS) is a licence condition for all commercial television broadcasting licensees. The CTS require these licensees to broadcast a combined total of at least 390 hours of children's (C) and preschool (P) programs each year, with a minimum of 260 hours of C-classified and 130 hours of P-classified programs annually. These are the C and P quotas. The Broadcasting Services (Australian Content) Standard 2005 requires that 50 per cent of the C-quota must be first-release Australian programs and that all P-programs are Australian programs.

For programs to count towards these quotas, they must meet certain provisions outlined in the CTS, including the requirement for the programs to be classified by the ACMA before being broadcast and the requirement for programs to be shown within specified time periods. The ACMA monitors compliance with the CTS through its Australian content database and the self-reporting notification regime under which commercial television broadcasting licensees currently report to the ACMA.

In 2010, the amount of first-release Australian children's drama broadcast reported by the metropolitan networks averaged more than the 25-hour quota:

- > the Seven licensees averaged 33 hours (45.50 hours in 2009)
- > the Nine licensees averaged 32 hours (32 hours in 2009)
- > the Ten licensees averaged 30 hours (26.50 hours in 2009).

All the licensees reported meeting the minimum quota requirements for children's programming in 2010.

In addition, the ACMA updated the *Guide to the Children's Television Standards 2009*. The guide was initially published on 3 December 2009, following the release of the new Children's Television Standards 2009, and it provides guidance on the application of the CTS. Since its release, the ACMA has undertaken a number of investigations and responded to enquiries about the CTS. The ACMA has now incorporated its reasoning from these investigations and responses to enquiries in an updated version of the guide.

### Children's and preschool programs

During 2010–11, the ACMA assessed 36 children's and preschool programs or series of programs, granting classification to 35 of them. This compares with 40 programs assessed and 39 granted classification in 2009–10 (see Table 33).

Of these program classifications, 100 per cent were completed within 60 days of receipt by the ACMA of a completed application.

At 30 June 2011, there were two applications for C or P classification awaiting finalisation.

A list of children's television consultants and programs granted C or P classification is in Appendix 5.



### Children's Television Classification Forum

The second annual Children's Television Classification Forum was held in Sydney on 28 June 2011.

The forum arose from the 2007–09 review of the CTS, which recommended regular forums with industry to discuss the interpretation of classification criteria and the potential for changes to the classification process. This year's forum addressed interpretation of the first classification criterion, CTS 6(a), which requires that a C or P program 'is made specifically for children or groups of children'.

The theme of the forum was 'Perspectives on Child Development', which featured presentations from four experts on the topics of cognitive development, preschool programming, primary school audiences and 'tween' television. These presentations were followed by a panel session with questions from the floor.

Speakers included Warren Cann of the Parenting Research Centre, Dr Helen van Vliet of the Australian Catholic University, composer and child development consultant Rhonda Davidson-Irwin, Bernadette O'Mahony of the Australian Children's Television Foundation and Joanna Werner of Werner Film Productions.

The forum attracted 55 participants, including program-makers, broadcast licensees, industry organisations and child development experts.

### Declaration of primary services

From 1 January 2009, commercial television broadcasting licensees have been authorised to provide up to three so-called 'multi-channelled' television services in digital mode under each commercial television broadcasting licence during the simulcast period for a licence area. The three services are two 'standard definition' television (SDTV) multi-channelled services (including the mandatory digital simulcast of a pre-existing analog television service) and one 'high definition' television (HDTV) multi-channelled service.

In practice, a number of obligations apply to an analog service and its digital simulcast that do not apply to the other multi-channelled services. These include anti-siphoning provisions, the provisions in the Commercial Television Industry Code of Practice and television program standards.

Where there is no digital simulcast of an analog commercial television broadcasting service—for example, after the end of the simulcast period for a licence area or for commercial television broadcasting services that only deliver a service in digital mode—the ACMA is authorised to declare that one of the SDTV multi-channelled services is a 'primary commercial television broadcasting service' (primary service), to which regulatory obligations will apply. The ACMA is also authorised to declare up to three of the SDTV multi-channelled services to be primary services for licences allocated under section 38C of the BSA. These licences are used to provide satellite-delivered services as part of the VAST services.

The primary service declarations made by the ACMA in 2010–11 are shown in tables 34 to 36.

**Table 33: Children's and preschool program classification**

	2009–10		2010–11	
	Applications granted classification	Applications refused classification*	Applications granted classification	Applications refused classification*
Children's programs	7	0	10	0
Children's programs—drama	15	0	12	0
Provisional—children's	5	1	4	0
Provisional—preschool	3	0	1	0
Preschool programs	9	0	8	1
<b>Total</b>	<b>39</b>	<b>1</b>	<b>35</b>	<b>1</b>

*\*These programs failed to satisfy the criteria in the CTS.*



**Table 34: Primary commercial television broadcasting services after the end of a simulcast period**

Licence area	Service licence number	Primary commercial television broadcasting service
Spencer Gulf TV1	SL10234	Southern Cross Television
Spencer Gulf TV1	SL1150798	Southern Cross TEN
Spencer Gulf TV1	SL1130142	Nine
Broken Hill TV1	SL10241	Southern Cross Television
Broken Hill TV1	SL1150797	Southern Cross TEN
Broken Hill TV1	SL1130143	Nine
Mount Gambier/South East TV1	SL10330	WIN SA
Mount Gambier/South East TV1	SL1150799	WIN TEN
Mount Gambier/South East TV1	SL1130144	Nine
Riverland TV1	SL10174	WIN SA
Riverland TV1	SL1150796	WIN TEN
Riverland TV1	SL1130145	Nine
Regional Victoria TV1	SL103	PRIME
Regional Victoria TV1	SL107	WIN
Eastern Victoria TV1	SL106	Southern Cross TEN
Western Victoria TV1	SL106	Southern Cross TEN

**Table 35: Primary commercial television broadcasting services for digital-only licences during the simulcast period**

Licence area	Service licence number	Primary commercial television broadcasting service
Southwest and Great Southern	SL1130049	TEN West
Geraldton TV1	SL1130046	TEN West
Kalgoorlie TV1	SL1130047	TEN West
Western Zone TV1	SL1130048	TEN West
Broken Hill TV1	SL1130143	Nine
Spencer Gulf TV1	SL1130142	Nine
Remote Central and Eastern Australia TV2	SL1130050	CDT (Ten)
Mt Isa TV1	SL1130051	CDT (Ten)

**Table 36: Primary commercial television broadcasting services for section 38C licences after the start date**

Licence area	Service licence number	Primary commercial television broadcasting service
South Eastern Australia TV3	SL1130135	CDT (TEN) Imparja Southern Cross Television
Northern Australia TV3	SL1130136	CDT (TEN) Imparja Southern Cross Television

High definition broadcasting

Schedule 4 of the BSA provides for the conversion over time of the transmission of television broadcasting services from analog to digital mode. At the end of the ‘simulcast period’ (defined in the BSA), analog transmissions are to cease. See also *Digital television*, page 41.

Part 4 of Schedule 4 of the BSA provides for broadcasters to meet HDTV quota standards. Each commercial or national television broadcasting service in a mainland metropolitan area is required to transmit a quota of 1,040 hours of HDTV programming per calendar year. The HDTV obligations also apply to a number of broadcasters in non-remote areas. The ABC and SBS are permitted to ‘up-convert’ their analog or SDTV programs to HDTV.

The *Broadcasting Legislation Amendment (Digital Television) Act 2006* amended the BSA to remove a requirement that the HDTV programming of a commercial or national television broadcaster must be a simulcast of the SDTV service, effective from 1 January 2007. The amendments also remove the existing HDTV quota from the end of the simulcast period. In effect, the changes allow television broadcasters in non-remote areas to provide one HDTV multi-channel. The programming provided on the HDTV multi-channel may also differ from that provided on the core service.

Broadcasters required to meet the HDTV quota must report compliance information to the ACMA twice a year. Interim reports must be given for the first six months of the calendar year, followed by consolidated reports for the full 12 months. Records must be kept for 18 months after the transmission was first reported to the ACMA.

In 2010, the commercial and national television broadcasters required to transmit the HDTV quota complied. The compliance results of national and commercial television broadcasters in the mainland metropolitan areas are given in Table 37.

Local content on regional television

Refer to page 39 for discussion of local content on regional television.

Subscription television drama expenditure

The eligible drama expenditure scheme requires licensees and channel providers that provide subscription television drama services to spend at least 10 per cent of their annual total program expenditure on new eligible drama programs. If the 10 per cent expenditure requirement is not met in the current financial year, the shortfall amount must be made up the following year.

To be eligible, a drama program must be an Australian or New Zealand production or co-production, and must not have been televised in Australia or New Zealand on a broadcasting service at any time before the expenditure on the program is incurred. While the scheme imposes a spending obligation on licensees and channel providers for Australian and New Zealand programs, there is no broadcasting requirement.

The BSA defines a subscription television drama service as a service devoted predominantly to drama programs; that is, more than 50 per cent of the programming consists of drama programs.

Each year, scheme participants are required to provide annual returns by 29 August. As a result, only 2009–10 information is available for this annual report.

In 2009–10, there were 26 subscription television drama channels for which reports on the scheme were received. Annual returns were provided by seven licensees and seven channel providers. All licensees and channel providers complied with the rules of the scheme.

Table 37: HDTV quota, 2010

Broadcaster	HDTV hours (range hhhh:mm)
ABC	7821:00
SBS	8760:00
Seven Network	2283:33 to 2443:46
Nine Network	3274:57 to 3514:53
Ten Network	3718:05 to 3790:45

Based on total spending on all programs, an expenditure obligation of \$27.88 million on new eligible drama programs was established for subscription television drama channel providers and licensees in 2009–10. The scheme requires that this expenditure obligation be acquitted either in the reporting year or the following year only.

During the reporting period, a total of \$35.28 million was spent on new Australian and New Zealand drama productions or co-productions. Of that expenditure, \$11.18 million was nominated to acquit the expenditure shortfall from 2008–09 and \$15.66 million was nominated towards meeting the 10 per cent minimum expenditure requirement for 2009–10.

Licensees and channel providers must spend a minimum of \$12.22 million in 2010–11 to acquit the remaining 2009–10 obligation.

### **Anti-siphoning provisions**

The anti-siphoning provisions, contained in section 115 of the BSA, empower the Minister for Broadband, Communications and the Digital Economy to specify events that should be available on free-to-air television (ABC, SBS, and the Seven, Nine and Ten networks and affiliates) for viewing by the general public. The aim of the anti-siphoning provisions is to prevent listed events from being 'siphoned off' by subscription television to the detriment of free-to-air television viewers. Events the minister believes should be available free to the general public on free-to-air television are specified in what is known as the anti-siphoning list.

The most recent anti-siphoning list took effect on 23 December 2010 and will remain in place until other foreshadowed reforms to the regulatory framework are implemented. The list includes 34 sporting events across 12 sport categories including the Olympic and Commonwealth games, horse racing, football, cricket, netball, tennis, golf and motor sports.

The anti-siphoning scheme operates via a licence condition on subscription television broadcasters that prevents them from buying the rights to televise events on the anti-siphoning list before free-to-air television broadcasters have purchased the rights. However, events are automatically de-listed 12 weeks before they commence. This provision was introduced in 2005 to improve the operation of the scheme by allowing subscription television access to listed events where free-to-air broadcasters do not intend to purchase the broadcasting rights.

The anti-siphoning scheme does not require free-to-air broadcasters to buy the rights, show listed events live or prevent those broadcasters from on-selling some or all of the rights they have acquired to subscription television broadcasters. Nor does the anti-siphoning scheme prevent parties other than subscription television broadcasters from acquiring the rights to televise events on the anti-siphoning list before the free-to-air broadcasters.

### **Review of commercial radio standards**

The ACMA is continuing its comprehensive review of the three commercial radio standards that were determined by the former Australian Broadcasting Authority under section 125(1) of the BSA following the Commercial Radio ('Cash for Comment') Inquiry in 1999–2000.

The standards are:

- > the Broadcasting Services (Commercial Radio Current Affairs Disclosure) Standard 2000
- > the Broadcasting Services (Commercial Radio Advertising) Standard 2000
- > the Broadcasting Services (Commercial Radio Compliance Program) Standard 2000.

The review is considering the appropriateness, effectiveness and efficiency of current regulatory arrangements under the commercial radio standards, including the extent to which these achieve their current objectives and are consistent with the objectives and regulatory policy of the BSA.

On 31 March 2011, the ACMA released an options paper for the review, making findings on the three standards and proposing a number of possible reforms. This paper drew heavily on the ACMA's research as well as the public submissions made to a 2010 issues paper. Following a six-week consultation period, major submissions on the options paper were provided by Commercial Radio Australia and DMG Radio (Australia).

In conjunction with the options paper, the ACMA published supporting evidence, which included a:

- > literature review on commercial influence in news and current affairs programs on commercial radio
- > review of expected economic costs of changes to the commercial radio standard.

The review of expected economic costs sought to understand the economic implications of changes to the standards, including the financial costs to broadcasters and society. The analysis aids in the decisions about appropriate amendments to the standards that are most likely to maximise public interest.

The ACMA will release a final report in 2011–12.

### **Internet industry codes**

Expected reviews of codes of practice for Australian internet service providers (ISPs), registered pursuant to Schedule 5 of the BSA, have been postponed in view of the government's proposal to introduce mandatory filtering of RC content by Australian ISPs.

### **Telecommunications industry codes**

Telecommunications industry codes can be developed by industry bodies on any matter that relates to a telecommunications, e-marketing or telemarketing activity. Codes can be presented by industry bodies to the ACMA for registration. If the ACMA is satisfied that the code meets the criteria stipulated in Part 6 of the Telecommunications Act, it is obliged to include the code on its register of industry codes and standards.

The ACMA registered a revised Industry Code—Handling of Life Threatening and Unwelcome Communications—on 22 July 2010. The revised code broadens the scope of the code from unwelcome calls to unwelcome communications.

### **Consumer-related telecommunications code funding**

Telecommunications industry bodies and associations can apply to the ACMA for reimbursement of the refundable costs they incur in developing consumer-related telecommunications industry codes. The reimbursement scheme is set out in Division 6A of Part 6 of the Telecommunications Act.

The ACMA received two applications for declarations of eligibility for code reimbursement in 2010–11 from Communications Alliance. The declaration of eligibility is the first stage in the reimbursement process and is an estimate of the likely costs incurred in developing an industry code. Once the code has been developed and submitted to the ACMA for registration, the industry body can then apply to the ACMA for the reimbursement of costs. The declarations of eligibility for reimbursement for the Telecommunications Consumer Protections and Mobile Premium Services codes were made by the ACMA on 25 October 2010 and 9 November 2010 respectively. No applications for reimbursement were received in 2010–11.

### **Broadcasting industry codes and guidelines**

Under section 123 of the BSA, representative industry groups may develop codes of practice in consultation with the ACMA, taking into account any relevant research conducted by the ACMA. Once implemented, the ACMA monitors these codes and deals with unresolved complaints made under them.

The ACMA includes a code in the register of codes of practice only if it is satisfied that it provides appropriate community safeguards for the matters covered, if it was endorsed by a majority of providers of broadcasting services in that section of the industry, and if members of the public have been given an adequate opportunity to comment.

All current broadcasting codes of practice are available on the ACMA website.

## Community Television Broadcasting Codes of Practice

On 9 June 2011, the ACMA registered the new Community Television Broadcasting Codes of Practice 2011. The codes were developed by the Australian Community Television Alliance (ACTA), in consultation with the ACMA. The codes contain provisions intended to foster improved standards of governance and community participation. For example, the codes ensure that the constitution of each licensee contains provisions for board appointments and a corporate structure that encourage business best practice, balancing the need for professional expertise against the requirement for community participation. The codes also contain provisions to better reflect current television industry practice; for example, exemption from classifying news, current affairs and sports programs.

## Community broadcasting reviews

During the reporting period, the ACMA developed the *Community Broadcasting Not-for-Profit Guidelines* to help community broadcasters understand and comply with the licence condition requirement to not operate the service for profit or as part of a profit-making enterprise.

The guidelines, finalised in February 2011 after extensive consultation, are part of the ACMA's continuing responsiveness to the needs of the community broadcasting sector and its audience.

## Quality of captioning

The BSA requires commercial and national broadcasters to provide a captioning service during certain hours and programs. Although captioning quality is a primary concern of consumers, the BSA does not currently provide any legislative guidance.

The ACMA established a captioning working committee comprising key stakeholders from industry, the consumer sector and government. The committee met four times in 2010–11 to develop indicators for the assessment of caption quality that are meaningful, measurable and deliverable. This work will continue into the next financial year. The role of the committee is consistent with a recommendation in DBCDE's *Media Access Review Final Report* for the ACMA to work with stakeholders to develop quality captioning guidelines.

## Consumer safeguards

The ACMA monitors and reports on the service performance and compliance of telecommunications companies, including against consumer safeguards that establish minimum performance standards and information obligations.

## Reconnecting the Customer public inquiry

This year, the ACMA took the unprecedented step of tackling a widely recognised and long-standing consumer issue by announcing a public inquiry into customer care within the Australian telecommunications industry. The *Reconnecting the Customer* (RTC) initiative provided a vital opportunity to deliver improved consumer outcomes. The ACMA has worked collaboratively with industry, consumers and other regulators to address both the immediate issues as well as the transition to the future service environment.

The ACMA commenced the RTC public inquiry into customer service and complaints-handling in July 2010. The inquiry was prompted by the high number of complaints to the TIO—which received 208,995 complaints and inquiries in 2009–10—and the increasing complexity of the telecommunications industry.



The ACMA conducted five public hearings during late October and early November 2010 as part of its *Reconnecting the Customer* inquiry. The hearings were part of a broad suite of consultation activities for stakeholders and the public to provide input to the inquiry.

The objective of the public inquiry was to materially improve consumer outcomes in the telecommunications sector. The ACMA examined four core issues, although it did not confine itself to addressing them only:

- > Are there systemic problems in the Australian telecommunications sector in the way it deals with its customers?
- > If there are problems, what are the causes?
- > What are the potential solutions to any problems?
- > What is the best strategy for addressing customer care issues in the converging communications environment?

The ACMA took an evidence-based approach to examine these issues. It obtained information from various sources, including:

- > 135 written submissions made in response to the ACMA's consultation paper from consumers, consumer representatives, industry members and representatives, and government and regulatory agencies
- > submissions made in response to the ACMA's progress report
- > roundtable meetings with consumer representatives and industry members and representatives
- > public hearings held in Sydney, Melbourne, Adelaide, Townsville and Launceston by consumers, consumer representatives, representatives from industry, the TIO and the Financial Services Ombudsman
- > data provided to the ACMA from industry members and the TIO
- > one-on-one discussions with key stakeholders including industry members, Communications Alliance, the Australian Communications Action Network (ACCAN), the TIO and the ACCC
- > research undertaken by the ACMA, though not specifically commissioned for the inquiry, including on 3G billing and charging arrangements<sup>13</sup>, and informed consent.<sup>14</sup>

The ACMA also commissioned the following pieces of research specifically for the inquiry, to gain a better understanding of the experiences and behaviour of telecommunications customers in Australia:

- > *Community research into telecommunications customer service experiences and associated behaviours* (community research), June 2011. The ACMA commissioned Roy Morgan Research to undertake research examining the customer service and complaints-handling experiences of telecommunications customers in Australia, and how these experiences impacted their subsequent behaviour. The qualitative phase of the research consisted of 10 focus groups in five locations around Australia (Sydney, Melbourne, Perth, Alice Springs and Tamworth), while the quantitative phase comprised a national survey of 2,520 telecommunications customers. From this sample, a total of 1,420 respondents had contacted a CSP in the last six months and were asked questions about their experience.
- > *Behavioural economics and customer complaints in communication markets* (behavioural economics research), May 2011. In this research report, Dr Patrick Xavier examines the extent to which insights stemming from behavioural economics can help to explain the drivers of consumer dissatisfaction with customer service and complaints-handling.

The inquiry found that the two key customer care matters that drive complaints are:

- > the quality of information available to consumers in advertisements and representations made at the point of sale, both about products and service providers
- > unexpectedly high bills—many consumers do not have a good understanding of how charges accumulate during a billing cycle.

The inquiry also found that failure to resolve issues in a timely manner and difficulty accessing complaints-handling processes add to consumer dissatisfaction.

13 ACMA, *3G mobile bill-payers' understanding of billing and charging arrangements*, June 2011.

14 ACMA, *Community research on informed consent*, March 2011.

Accordingly, the ACMA is proposing recommendations that aim to:

- > increase the availability of simple and clear pricing and customer care information for consumers
- > improve the comparability of products, pricing and customer care performance, and increasing competition among service providers
- > empower consumers by allowing them to better manage usage and expenditure
- > mandate standards for complaints-handling and increase visibility of complaints-handling performance.

The draft report detailing the ACMA's findings and proposed recommendations is available on the ACMA website.

The ACMA will progress outcomes from the public inquiry during 2011–12. The final report is expected to be released in the next reporting period.

### **Implementation of consumer safeguard reforms**

In 2010–11, the ACMA continued to provide advice to government on a package of reforms to telecommunications consumer safeguards. These safeguards are contained in the *Telecommunications Legislation Amendment (Competition and Consumer Safeguards) Act 2010*, which received Royal Assent in December 2010. The ACMA provided advice on the basis of its experience in monitoring and enforcing existing regulatory arrangements for the fulfilment of the Universal Service Obligation (USO) (including payphones), the Customer Service Guarantee and Priority Assistance.

The reforms aim to enhance competitive outcomes in the telecommunications industry and strengthen existing consumer safeguards. The reforms relevant to the ACMA include:

- > the ability for the Minister for Broadband, Communications and the Digital Economy to make enforceable industry performance standards and benchmarks for the USO, payphones and the Customer Service Guarantee
- > new requirements for information that telephone companies must provide about the availability of priority assistance

- > the ability for the minister to implement enhanced safeguards for payphones in relation to performance, location criteria and consultation on removal
- > expansion of the ACMA's powers to make record-keeping rules in order to monitor compliance with performance benchmarks
- > expansion of the ACMA's powers to issue infringement notices that carry a stipulated monetary penalty to enforce compliance.

Under the new arrangements, the ACMA is responsible for assessing industry performance against the benchmarks and taking appropriate action to enforce compliance, where required. In the reporting period, the ACMA has been working on implementing the infringement notice scheme and developing ACMA record-keeping rules for performance benchmarks.

The ACMA also released for public comment proposed amendments to the waiver provisions contained in the Customer Service Guarantee. These amendments are intended to ensure consistency with recent legislative changes to the Customer Service Guarantee, simplify existing waiver provisions and promote industry best practice for obtaining informed customer consent.

### **Telecommunications Industry Ombudsman (TIO)**

Carriers and eligible CSPs have an obligation under the *Telecommunications Consumer Protection and Service Standards Act 1999* (the TCPSS Act) to join the TIO scheme. The TIO scheme provides an alternative dispute resolution service for small business and residential customers with unresolved complaints about their telephone or internet services.

The TIO may investigate, make determinations and give directions relating to complaints about carriage services by end users of those services. The TIO has authority to make binding decisions up to the value of \$30,000, and recommendations up to the value of \$85,000.



### TIO scheme membership

Section 128 of the TCPSS Act requires that all CSPs (including internet service providers) that provide services to residential and small business customers must join the TIO scheme.

In early 2010, the TIO referred eight companies that had not joined the TIO scheme to the ACMA. Seven of these matters were resolved.

The ACMA directed the remaining provider to join the TIO scheme and its related engagement with that provider is ongoing.

### Non-compliance with the TIO scheme

In September 2010, the TIO referred a provider to the ACMA for investigation concerning its non-compliance with the TIO scheme, specifically with three TIO determinations. That provider went into liquidation and is currently being wound-up. The TIO was made aware of the change in company status.

In late October 2010, the TIO referred a provider to the ACMA for investigation concerning its non-compliance with the TIO scheme, specifically with three TIO determinations—one made in 2009 and the other two in 2010.

The ACMA's investigation into this matter remains ongoing.

### Exemptions from the TIO scheme

Section 129 of the TCPSS Act allows the ACMA to declare a carrier or eligible CSP exempt from the TIO scheme.

In 2010–11, the ACMA did not grant any exemptions from the obligation to join the TIO scheme. It conducted a review of eight companies that have previously been granted an exemption. The review found that one of the companies was deregistered, and the other seven still satisfied the criteria for exemption.

### Universal service obligation (USO)

Part 2 of the TCPSS Act establishes a universal service regime administered by the ACMA. The regime includes the USO.

The USO is the obligation placed on universal service providers to make sure that standard telephone services, payphones and prescribed carriage services are reasonably accessible to all people in Australia on an equitable basis, wherever they reside or carry on business.

Telstra continues to be the only universal service provider and is responsible for all areas in Australia. The ACMA monitors Telstra's performance in fulfilling these obligations and reports on these matters in its annual communications report.

For information about USO funding and eligible revenue assessment, see page 75.

### Payphone performance

As the universal service provider, Telstra must provide payphones that are reasonably accessible on an equitable basis to all people in Australia. This obligation covers the supply, installation and maintenance of payphones. The ACMA monitors payphone performance quarterly against measures specified in Telstra's Standard Marketing Plan (SMP) and publishes relevant data on its website.

The ACMA has a complaints-handling role concerning Telstra's removal of payphones and any refusal by Telstra to relocate payphones, where the matter has not been resolved directly with Telstra to the complainant's satisfaction.

In 2010–11, the ACMA received no payphone removal complaints and finalised two reviews from the previous reporting period. Each of these reviews resulted in a finding that Telstra had complied with its SMP and other agreed processes. During the reporting period, the ACMA also investigated one payphone relocation complaint and found that Telstra was not required to relocate the payphone, as it had complied with its SMP.

### Customer Service Guarantee

The ACMA monitors the performance of CSPs against time frames specified in the Telecommunications (Customer Service Guarantee) Standard 2011 (the CSG Standard). Performance information is published on the ACMA website as well as in other reports such as its annual *Telecommunications performance bulletin*. Quarterly performance data, covering the preceding calendar year, is published in each reporting period.

During 2010–11, the CSG Standard was remade and three reports covering the March, June and September 2010 quarters were published. The *Telecommunications performance bulletin* for 2009–10 was published in December 2010.



Due to the time required to collect and analyse data from CSPs, data for the December 2010 and March 2011 quarters was not published within the reporting period. It is anticipated this data will be published early in the next reporting period.

The ACMA also receives notification of exemptions claimed by CSPs for mass service disruptions and monitors this information to determine that the requirements for claiming exemptions have been met. Table 38 sets out the number of mass service disruption notices (not including extensions) received by the ACMA from carriers/CSPs for the reporting period.

**Network Reliability Framework**

The Network Reliability Framework (NRF) is a three-tiered compliance and reporting framework that aims to improve the reliability of Telstra’s fixed-line telephone services for customers who have five lines or fewer. The NRF complements other consumer safeguards such as the USO and the CSG Standard discussed above. It provides information on the general reliability of the Telstra network and also addresses the areas of worst performance, with a primary focus on customers who experience ongoing problems with reliability.

Under the NRF, Telstra is required to provide the ACMA with network performance reports at three levels:

- > Level 1—geographical area level, based on Telstra’s field service areas
- > Level 2—disaggregated parts of the network known as cable runs
- > Level 3—the individual service level.

All Telstra services covered by the CSG are included (that is, residential and small business customers with five lines or fewer). The Level 2 requirement is for Telstra to undertake remediation work on a minimum of 40 of the worst-performing cable runs each month to improve reliability and provide reports on these remediations. There is a requirement for the average network event volume to be reduced by 90 per cent in the six-month period following remediation on those cable runs. If this requirement is not met, Telstra may be required to undertake further remediation work on the cable run concerned.

The ACMA is required to approve the initial selection of cable runs in line with a prescribed formula and to receive reports on the remediations. Where a remediation time frame has not been met, and the reasons for this meet specific requirements, the ACMA can grant an extension of the remediation time frame.

The ACMA approved cable run lists for the months July to November 2010 and for June 2011. In the period December 2010 to February 2011, there were significant natural disasters across Queensland and Victoria, with dramatic effects on the telecommunications networks in those areas that took several months to remediate.

For the period December 2010 to May 2011, the ACMA agreed to a Telstra request to exercise regulatory forbearance on a one-off basis. During this period, the ACMA did not enforce a Telstra requirement, under clause 26 of its carrier licence conditions that requires it to identify quotas of cable runs of varying sizes for remediation.

Telstra made the request on the basis that it would allow quicker service restoration for more of its customers, require greater resourcing and still deliver remediations of the required number of cable runs. The ACMA also granted 18 extensions of time for remediation of cable runs in the reporting period.

**Table 38: Mass service disruption notices, by carrier/CSP**

Telstra	71
Optus	58
TransACT	2
Primus	1
<b>Total</b>	<b>132</b>

The Level 3 requirement is for Telstra to remediate individual services that have experienced more than three fault or service difficulties in a 60-day rolling period or more than four fault or service difficulties in a 365-day calendar period. The ACMA is required to approve a proposed remediation plan for the services. In 2010–11, Telstra reported 3,016 Level 3 contraventions for which the ACMA approved all submitted remediation plans.

Service performance under the NRF is reported in the ACMA's annual communications report.

### Priority assistance

Priority assistance is an enhanced telephone connection and repair service for people with a diagnosed life-threatening medical condition who are at risk of suffering a rapid, life-threatening deterioration in their condition. The service provides residential customers with access to a reliable, fully operational home telephone service to call for assistance when needed.

Priority assistance customers are entitled to faster connection and fault repair times—24 hours in urban and rural areas, and 48 hours in remote areas—as well as greater service reliability. If a priority assistance customer experiences two or more faults in a three-month period, substantial telephone service testing is undertaken by the carrier.

It is a condition of Telstra's carrier licence that it implements an effective priority assistance system. Telstra's priority assistance performance is reported on the ACMA website.

The licence condition requirements for priority assistance only apply to Telstra. During 2010–11, iiNet (who acquired the consumer division of AAPT on 1 October 2010) and Primus provided a priority assistance service consistent with the requirements specified in Industry Code ACIF C609:2007 *Priority Assistance for Life Threatening Medical Conditions*, which was first registered in 2003. Optus provides a priority service—the Optus Special Assistance Service—for its customers with life-threatening medical conditions in accordance with its own guidelines, rather than the registered code.

### Local presence plan

Under its licence conditions, Telstra is required to maintain a local presence in regional, rural and remote Australia, to the extent that this is broadly compatible with its overall commercial interests. It is also required to report on its performance against the plan to both the ACMA and the Minister for Broadband, Communications and the Digital Economy. The ACMA must publish the approved local presence plan and has a role in the enforcement of this and other licence conditions. ACMA is required to monitor and report each financial year to the minister on Telstra's performance against the plan.

In 2010–11, the ACMA received Telstra's report for the 2009–10 reporting period. The ACMA's review confirmed Telstra's compliance with the licence condition.

### National Relay Service

The National Relay Service (NRS) is an Australian Government initiative that is funded by a quarterly levy on eligible telecommunications carriers. The NRS provides people who are deaf, or who have a hearing or speech impairment, with access to a telephone service on terms and in circumstances that are comparable to the access other Australians have to a standard telephone service. The NRS includes an outreach component to raise awareness of the NRS throughout Australia and to offer training and support for its use.

As well as meeting community safeguards requirements, the provision of the NRS is also related to Program 1.1: Communications regulation, planning and licensing. Successful management of the NRS sees the ACMA meet the following key performance indicators:

- > an effective regulatory environment that supports a dynamic communications sector and enables industry to meet the communications needs of the community
- > levels of industry compliance with the regulatory framework without being subject to undue financial or administrative burden.

The NRS legislative obligations are outlined in Part 3 of the TCPSS Act.

The relay and outreach services are each delivered under separate contracts with the Australian Government. Since 1 July 2006, the relay service has been provided by the Australian Communication Exchange Ltd (ACE) and the outreach service has been delivered by WestWood Spice (WWS), a marketing and communications company.

Under the legislation, the ACMA is responsible for:

- > collecting the NRS levy from eligible telecommunications carriers for payment to the NRS providers for the cost of providing the NRS
- > regular monitoring of the performance of the NRS providers
- > providing an annual performance report to the Minister for Broadband, Communications and the Digital Economy.

The ACMA is also responsible for managing both contracts for the provision of the NRS. In 2010–11, key activities undertaken by the ACMA relating to these contracts include:

- > effecting two-year contract extensions for both current service providers of the NRS, with contracts now due to expire on 30 June 2013
- > providing assistance and advice to the relay service provider during the January 2011 Brisbane flood emergency, including liaison with Optus and Telstra. Telstra provided temporary access to its Mt Gravatt exchange to ensure continuity of access to emergency services via the 106 text-based emergency call service number. The ACMA also worked with NRS providers to keep customers informed of progress over the duration of the emergency and subsequently to consider a number of operational and communications initiatives designed to mitigate interruption to the delivery of the NRS in the future
- > supporting an initiative under investigation for network prioritisation in ACE's internal system of all calls to emergency service numbers made through the NRS, including emergency calls made via internet relay and by teletypewriter (TTY) users who select Triple Zero. Calls by TTY users to the 106 emergency service number already receive priority in ACE's system

- > supporting an initiative to allow access to the correct 13/1300/1800 number through the internet relay service based on an NRS user's geographic location
- > approving revised terms and conditions to restrict unwelcome and life-threatening calls made via the NRS
- > having input to a major redesign of the NRS website, [relayservice.com.au](http://relayservice.com.au), by the outreach provider
- > ensuring ongoing liaison and involvement with DBCDE in planning the *Review of Access to Telecommunications Services by People with Disability, Older Australians and People Experiencing Illness*, as well as providing regulatory and technical advice to the Emergency SMS service and Emergency Smartphone Trial for the deaf, and hearing- and speech-impaired.

### Performance reporting

The ACMA monitors the quarterly performance of both NRS providers and is required to provide an annual report to the Minister for Broadband, Communications and the Digital Economy on their performances, against the requirements of the NRS Plan. The NRS Plan includes performance standards applicable to the provision of the relay and outreach service components.

The performance report for 2009–10 was tabled by the minister on 25 May 2011 and is available on the ACMA website.

### Consultation with users

The NRS Customer Consultative Committee (NRSCCC) continued in 2010–11 under the auspices of the NRS relay service provider. The ACMA has an observer role on this committee, meaning it is able to nominate new members and must approve membership. The NRSCCC held meetings in October 2010 and May 2011, fulfilling the contractual requirement of holding at least two meetings each financial year. ACMA representatives attended both meetings.

## Consumer Consultative Forum (CCF)

The CCF is established under section 59 of the ACMA Act to help the ACMA perform its consumer functions. Most importantly, it provides advice to the ACMA on communications issues (mainly telecommunications and internet) that affect consumers. The opportunity is provided for up to eight consumer representatives to engage with three representatives from industry bodies and four regulatory and government representatives on matters that concern them.

In the reporting period, the CCF met three times in Sydney. Discussions ranged from strategic examination of issues relating to accessibility and social exclusion to the USO, mobile phone coverage and cloud computing. The CCF also contributed to the ACMA's *Reconnecting the Customer* public inquiry through a consumer-only workshop.

In 2010–11, the CCF welcomed Stella Avramopolous from Kildonan Uniting Care (representing financially and culturally disadvantaged consumers), Anthony Gibson from the NSW Farmers Association (representing rural consumers) and Heron Loban from James Cook University (representing indigenous and rural and remote interests). The CCF also re-appointed Holly Raiche from the Internet Society of Australia and Professor Julian Thomas from Swinburne University. John Stanton, CEO of Communications Alliance, and Simon Cohen, the Telecommunications Industry Ombudsman, also joined the CCF. Alex Varley from Media Access Australia, Sarina Jan and Allan Asher of ACCAN were farewelled.

## Do Not Call Register

The *Do Not Call Register Act 2006* requires the ACMA to keep, or to arrange for another person to keep, the Do Not Call Register. The register was launched on 3 May 2007 and originally allowed individuals to list their home, mobile and internet-based numbers to opt out of receiving unsolicited telemarketing calls. The *Do Not Call Register Legislation Amendment Act 2010* expanded the register to include government bodies, emergency service numbers and fax numbers. There is no cost for listing numbers on the register.

Numbers can be registered if they are:

- > used or maintained primarily for private or domestic purposes

- > used or maintained exclusively for transmitting and/or receiving faxes
- > used or maintained exclusively for use by a government body or an emergency service number.

Numbers can be registered through the Do Not Call Register's website, or by post, fax or telephone. More than 1.3 million numbers were added to the register in 2010–11 and, by 30 June 2011, a total of 6.36 million numbers had been registered.

In June 2011, the ACMA implemented a new online service that allows applicants to register or deregister many numbers at a time. This facility will be particularly useful for government bodies wishing to register hundreds or thousands of numbers in a single application.

There is a general prohibition on making unsolicited telemarketing calls or sending unsolicited marketing faxes to a number listed on the register. There are limited exemptions to enable certain public interest organisations to call numbers listed on the register. Exemptions also apply where the account-holder of a number on the register consents to the call or where consent can be reasonably inferred.

To avoid breaching the Do Not Call Register Act, telemarketers and fax marketers are able to submit their contact lists to the register operator for checking against the register. By 30 June 2011, 5,945 telemarketers were registered to check telephone numbers and more than 4.22 billion telephone numbers had been checked, or 'washed', against the register.

Details on telemarketing complaints and investigations under the Do Not Call Register Act begin on page 97.

## Do Not Call Register contract

On 1 February 2007, the Commonwealth entered into a contract with Service Stream Solutions Pty Ltd to establish, operate and manage the Do Not Call Register. The contract was for four years with an option to extend for an additional three years. Following a review of performance and fees, the contract has been extended to 1 February 2014. The value of this contract at 30 June 2011 was \$23.83 million (including GST) after acquisitions of additional services, including:

- > extra capacity for the telephone registration system during its launch

- > the incorporation of an additional means of submitting telephone contact lists for washing against the register
- > improvements to the complaints management system
- > systems modifications to meet the new requirements of the *Do Not Call Register Legislation Amendment Act 2010*.

For information about Do Not Call Register access fees and cost recovery, refer to page 75.

### **Do Not Call Register industry and consumer awareness campaign**

During the reporting period, the ACMA continued to raise awareness of the Do Not Call Register by educating consumers and industry on their rights, roles and responsibilities under the Do Not Call Register Act.

The Do Not Call Register website—[www.donotcall.gov.au](http://www.donotcall.gov.au)—provides detailed information about the operation of the register and the Act, including information sheets and an online enquiry form. A downloadable consumer brochure is also provided in six languages.

The website underwent an upgrade in 2010–11 in response to an internal and external review. Relunched in May 2011, the website has been upgraded to implement the review recommendations to improve its usability and accessibility.

### **Extended zones agreement**

In June 2001, the government entered into a 10-year, \$150 million contract with Telstra to provide untimed calls at the local call rate, untimed internet access and other enhanced services to the extended zones in remote Australia.

This contract expired on 31 May 2011, and was replaced by new arrangements agreed between DBCDE and Telstra for the continued provision of untimed local calls in the extended zones until 30 June 2012.

During 2010–11, the ACMA continued to monitor Telstra's compliance with the agreement in the reporting period, with DBCDE to undertake monitoring of compliance under the new agreement.

### **Mobile phone coverage**

In 2010–11, the ACMA monitored carrier performance under two government contracts awarded to improve mobile phone coverage in selected regional towns and locations across Australia. The ACMA advised the contract manager (DBCDE) on the performance of the contractor (Telstra) under the agreements. Ongoing monitoring activities based on carrier self-reporting include:

- > half-yearly reporting on Telstra's performance relating to the funding provided to it for mobile phone coverage in designated locations
- > half-yearly quality of service monitoring of Telstra's performance to provide improved mobile phone coverage in selected small towns.

### **Protection of consumer information**

Part 13 of the Telecommunications Act provides for the ACMA to administer the Integrated Public Number Database (IPND) scheme.

The IPND is an industry-wide database of all listed and unlisted public telephone numbers. It was established in 1998 and is currently managed by Telstra under the Carrier Licence Conditions (Telstra Corporation Limited) Declaration 1997.

The IPND scheme allows for the assessment of applications for authorisation for public number directory publishers and researchers of a kind specified by the Minister for Broadband, Communications and the Digital Economy as being in the public interest. In the year to 30 June 2011, two authorisations to publish public number directories were granted. As a result, as at 30 June 2011, six entities held authorisations to access IPND data for the purpose of publishing public number directories and one entity held a research authorisation. Three of the authorisations relate to electronic public number directories.

## Community awareness

---

The ACMA's role includes informing consumers about communications products and services that are available to them, and ensuring that industry and consumers are informed about their communications rights and obligations.

### Cybersafety—the Cybersmart program

The ACMA's role includes developing and implementing a national cybersafety education program. This role is conferred on the ACMA under Schedule 5 of the BSA.

In 2010–11, awareness activities focused on:

- > the continuing development and deployment of internet safety presentations and teacher professional development for the outreach program
- > the development of cybersafety education programs and information material for schools, parents and libraries.

A website, [www.cybersmart.gov.au](http://www.cybersmart.gov.au), was launched in July 2009, offering young people, parents, teachers and library staff a one-stop shop for cybersafety information and education resources.

The Cybersmart website features news, resources and information about current cybersafety issues, and provides practical advice on how to deal with them.

In addition to information, videos, animations and activities about how to be safe online, the website links to the Schools Gateway, which has comprehensive training and support material for teachers, and to the Cybersmart Outreach program. The website also hosts cybersafety information and training resources for library staff.

From the launch in July 2009, visits to the website have continued to grow, with over one million visits and over 8.9 million page views. Feedback continues to be very positive, with endorsements from key industry and non-government organisations such as Telstra, Google, and the Alannah and Madeline Foundation.



NetBasics, a valuable addition to the ACMA's Cybersmart program, was launched in June 2011. Targeted at lower secondary school students, NetBasics reinforces the foundations of online security through a series of short animated episodes.



The Cybersmart Online Helpline is accessed via the Cybersmart website. It offers real-time online counselling and advice to young people who are experiencing issues such as cyberbullying, loss of privacy and concerns with online relationships. The service is provided in conjunction with the Kids Helpline, whose counsellors are experts in helping young people deal with their concerns. The service is free and confidential.

### Cybersmart Outreach program

The ACMA provides an extensive and broad-ranging Cybersmart Outreach education program for teachers, students and parents across Australia. These presentations and workshops provide valuable information on the risks confronting children online, as well as giving appropriate tools and strategies to help make experiences with online technologies safe and positive. All programs and resources are free.

The Outreach program currently consists of:

- > Internet Safety Awareness presentations to teachers, students, parents and other key stakeholders
- > Professional Development for Educators workshops
- > Pre-Service Teacher Program for teachers in their final year of university
- > Connect.ed—online interactive professional development program for educators.

The Internet Safety Awareness presentations are easy to understand, non-technical and informative. The presentations cover a range of issues including:

- > the ways children engage with the online world and emerging technologies
- > the potential risks faced by children when online, such as cyberbullying, identity theft, inappropriate contact and exposure to inappropriate content.

Empowerment and education underpin the presentations, offering effective strategies to help young people make wise and safe choices within their online communities.

The Professional Development for Educators workshops provide teachers with a comprehensive understanding of a modern student's technology profile, digital literacy, positive online behaviour, peer and personal safety, and the school and teacher's legal obligation to minimise and address risk.

Connect.ed, an interactive online professional development program for teachers, is designed to complement and build on the Outreach suite of Cybersmart presentations and workshops. Comprising a set of four modules, the program is self-paced and accessible by all teachers across Australia including casual relief teachers. Connect.ed immerses teachers into the online world of young people, giving them the knowledge, confidence and tools to help their students have positive online experiences.

The Cybersmart program for pre-service teachers uses a combined lecture and tutorial approach. It provides trainee teachers with up-to-date knowledge, skills and practical advice on cybersafety to complement the core safety skills they will teach to Australian children.

All programs are regularly updated to respond to issues emerging from the changing digital landscape.

In 2010–11, the ACMA's Cybersmart Outreach program delivered 1,731 presentations to more than 172,200 teachers, parents and students.

Participation in the Professional Development for Educators program continues to be strong, with over 3,500 teachers attending a workshop in 2010–11.

### Cybersafety education resources

In 2010–11, the ACMA expanded its existing range of cybersafety education resources for schools by producing several new resources:

- > *Tagged*, a cybersafety educational film promoting responsible online behaviour to secondary students, completed production in 2010–11. The short dramatic film, to be launched in early 2011–12, encourages young people to reflect on their online behaviour and how this may affect their personal, peer and family relationships.
- > NetBasics, a new cybersecurity educational resource for lower secondary students, was launched at Marsden High School in Sydney in June 2011. Developed in partnership with NetSafe New Zealand, NetBasics is a series of 11 animated episodes that follow a fictional family's experiences when they go online at home.
- > Units of work on sexting were released for secondary students. These introduce the concept of 'sexting', exploring the potential social, emotional and legal consequences, including how to manage sexting-related issues.

- > Production of engaging interactive cybersafety games and units of work for students with an intellectual disability was completed in 2010–11. The games are suitable for students of all abilities and will significantly increase the accessibility of cybersafety messages to students with special education needs.
- > Current lesson plans were reviewed, with new plans on sexting and safe social networking added.
- > The production of an online activity on cyberbullying for teens was completed in 2010–11 for release later in 2011.

These new resources add to the ACMA's already diverse suite of cybersmart resources for schools, teachers, parents and students, which include:

- > Hector's World, [www.cybersmart.gov.au/hectorsworld](http://www.cybersmart.gov.au/hectorsworld), for lower-primary students
- > CyberQuoll, [www.cybersmart.gov.au/cyberquoll](http://www.cybersmart.gov.au/cyberquoll), for upper-primary students
- > CyberNetrix, [www.cybersmart.gov.au/cybernetrix](http://www.cybersmart.gov.au/cybernetrix), and Wise Up To IT, [www.cybersmart.gov.au/wiseuptoit](http://www.cybersmart.gov.au/wiseuptoit), for secondary students
- > Let's Fight It Together, a comprehensive package for secondary schools to use in combating cyberbullying.

The ACMA has also continued to work with SuperClubsPLUS Australia, a protected social learning environment for school children aged six to 12 years, to develop and deliver a Cybersmart Badge within the club. Since going live in April 2009, more than 75,751 children have attempted the Cybersmart Badge, which comprises a series of cybersafety activities including a quiz and a home audit.

### **Interactive shared learning activities—Cybersmart Detectives, Cybersmart Hero and Cybersmart Networking**

Interactive shared learning activities are online activities developed for use in schools to teach children how to stay safe in the online world. The programs' interactive nature has proven very popular with school children and they are endorsed by teachers as a valuable learning tool. The activities target young people in the final year of primary school.

Cybersmart Detectives and Cybersmart Hero activities sit under the interactive shared learning platform. Cybersmart Detectives deals with predatory behaviour in online social media, encouraging young people to think before giving out their personal information online, and to remember that people they meet online may not be who they say they are. Cybersmart Hero covers cyberbullying and encourages young people to think about how they would act if someone they knew was being cyberbullied. In 2010–11, these activities were played by over 10,565 students throughout Australia.

In response to the increasing use of social networking sites by young people, a new interactive shared learning activity, Cybersmart Networking, is being created for Year 7 students. Script development and lesson plans were completed in 2010–11. This activity will be launched in the second half of 2011.

During the year, the ACMA also commissioned an independent evaluation of its Cybersmart Detectives program to measure its effectiveness and ascertain how it can be further enhanced. The outcome of this research is expected by the end of 2011.

### **Cybersafety information for parents**

The ACMA has undertaken work to develop new cybersafety resources for parents. Research was carried out in 2009–10 into what types of cybersafety information parents require and which channels for delivery are most appropriate. This research was used as a basis for the preparation of a suite of cybersafety materials and advice for parents.

The development of comprehensive age-based advice and information for parents, made available on the Cybersmart website, was the first stage of this development. The second stage was the production of new brochures covering all key cybersafety issues, including social networking, sexting, cyberbullying and dealing with offensive content. These brochures were translated into five languages commonly used in Australia (Chinese, Greek, Arabic, Italian and Vietnamese). Electronic versions of the translated brochures were available in August 2010 and printed versions in January 2011.

These text-based resources have been complemented by an interactive video guide to online safety for parents, which examines how children and young people use the internet, discusses some of the risks they face and provides strategies for parents on how to manage these risks.



### Cybersmart initiatives

In 2010–11, the ACMA implemented a range of initiatives in delivering its Cybersmart program. A total of 178,219 participants were involved in the 1,920 presentations and workshops offered across the reporting period. In addition, a total of 2,599,218 Cybersmart resources were distributed to schools and families throughout Australia. The ACMA also supported DBCDE's Cybersafety Help Button, a downloadable button that gives young people quick access to online help, which was launched in 2010–11.

### Cybersafety outdoor promotion

The ACMA piloted a cybersafety outdoor promotion after feedback from the Youth Advisory Group (YAG) indicated that this would be an effective means of targeting young teens. Five different creative artworks covering sexting, digital reputation, cyberbullying, geo-location and where to go for more information were featured in 250 Sydney bus shelters in areas with high student traffic.

**Table 39: ACMA cybersafety initiatives**

Type of initiative	2010–11	Total to date
<b>Internet Safety Awareness presentations<sup>15</sup></b>		
Events	1,731	3,510
Attendees	172,289	352,495
<b>Professional Development workshops<sup>16</sup></b>		
Events	156	385
Attendees	3,524	8,951
<b>Pre-Service Teacher Program (piloted October 09; launched June 10)</b>		
Events	33	36
Attendees	2,406	3,059
<b>Total events</b>	<b>1,920</b>	<b>3,931</b>
<b>Total attendees</b>	<b>178,219</b>	<b>364,505</b>
<b>Connect.ed Online PD Program (launched April 11)</b>		
Registered	1,860	1,860
Completed	213	213
<b>Interactive Shared Learning—Cybersmart Detectives<sup>17</sup></b>		
Schools	158	639
Students	7,771	22,390
<b>Interactive Shared Learning—Cybersmart Hero<sup>18</sup></b>		
Schools	76	83
Students	3,748	4,016
<b>Key resources<sup>19</sup></b>		
<i>Wise Up To IT</i> DVD	21,210	97,515
<i>Let's Fight It Together</i> DVD	13,598	22,904
<i>CyberQuoll</i> DVD	5,304	9,019
<i>CyberNetrix</i> DVD	6,238	20,459
Cybersmart brochures	2,089,862	3,236,497
Other resources	463,006	856,164
<b>Total resources delivered</b>	<b>2,599,218</b>	<b>4,242,558</b>

<sup>15</sup> Internet Safety Awareness Programs have been available from January 2009.

<sup>16</sup> Professional Development workshops have been available from 2 January 2009.

<sup>17</sup> Cybersmart Detectives has been available from 3 January 2008.

<sup>18</sup> Cybersmart Hero has been available since June 2010.

<sup>19</sup> Cybersmart resources were available from 4 April 2008 to June 2011.

The posters' eye-catching designs included solid blocks of bright fluorescent colour and key messages in a bold typeface filled with text and stories on the specific topics. The posters delivered an instant message on casual viewing and revealed more detailed information on closer examination.

The posters directed readers to the Cybersmart website.

### Key partnerships

The ACMA has continued to collaborate with Australian and international agencies involved in online safety.

Internationally, the ACMA has in place memorandums of understanding with NetSafe (New Zealand's online safety advisory body) and Childnet International (UK). Under these agreements, the ACMA shares information and works collaboratively with these agencies on cybersafety matters.

Other key partners include agencies involved in the government's Consultative Working Group on Cybersafety, of which the ACMA is a member, as well as state and federal police forces and education departments.

Working with these partners, the ACMA organised Australia's contribution to international Safer Internet Day on 8 February 2011. The ACMA provided promotional material and lesson plans on safe social networking for the Cybersmart website, and held cybersafety educational activities in schools throughout Australia. Nationally, over 1,500 children participated in Cybersmart Detectives activities, with many more engaging in classroom sessions and the ACMA's online forum for teens on safe social networking. Safer Internet Day events were coordinated internationally by INSAFE, the European network of internet safety organisations. Australia is an associate member of INSAFE and has participated in Safer Internet Day since 2004.

The ACMA played a key role in the National Day of Action on Bullying and Violence in March 2011, with messages focusing on the role of the bystander—the person who witnesses bullying behaviour. The ACMA provided a suite of lesson plans for teachers across Australia on how to prevent and manage cyberbullying, and staged a National Cybersmart Hero event, which saw 22 schools and over 1,000 upper primary students take part.

The ACMA supported Privacy Awareness Week (2–7 May 2011) by providing resources for teachers, parents and teens on e-security, keeping personal information safe and identity theft.

The ACMA was also on the Steering Group for National Cyber Security Awareness Week, held from 30 May to 3 June 2011. The ACMA ran a series of events, including the launch of NetBasics, to promote awareness of online safety and security within the Australian community.

### Social networking

Recognising the potential for personal information disclosed in online dating sites to be misused, the ACMA re-released its successful 'LOVE' postcard over Christmas and New Year 2010–11. This was in response to data indicating a spike in usage of these sites over this period. The postcard alerted users of online dating sites to the potential risks of sharing personal information online, which can lead to scams and affect their identity, reputation and physical safety; and the safety of their family, computer and finances.

The postcard was made available through universities, TAFE colleges, and student-frequented venues like cafes and restaurants, bars, clubs, cinemas, galleries and museums.

The ACMA also continued to promote safe online behaviour through new and updated web-based information on the potential risks associated with smartphones, excessive internet use and location-based services.

### Telecommunications awareness

While the number of consumer complaints about the receipt of unwanted mobile premium services, and the difficulty in unsubscribing from these services, decreased during the reporting period, the ACMA continued to provide information on its website about the range of protections available for users of mobile premium services.

As an increasing number of non-English-speaking consumers are likely to use new communications technologies and services, including mobile premium services, the ACMA continued to provide relevant information in 20 commonly used community languages in Australia.

For information on the regulation of mobile premium services, refer to page 96.

## Research and reporting

---

The ACMA undertook a range of research into the changing use of, and community attitudes to, communications and media services, and technology and market developments. The research and reporting program supports the ACMA in meeting its statutory obligations to report and advise the minister on telecommunications, radiocommunications, broadcasting, internet and datacasting services. It helps the ACMA to make informed decisions as an evidence-based regulator and understand the implications that regulation of communications and media markets may create.

The research program explores four broad themes:

- > digital society—consumer and audience attitudes, concerns and service use
- > business models, trends in service developments and supply arrangements
- > technology and technical developments
- > economic analysis and regulatory design best-practice approaches.

### Consumer and audience research

During the year, the ACMA undertook a range of research that examined consumer and audience attitudes, concerns and service use.

#### *Australia in the digital economy—Consumer engagement in e-commerce*

On 16 November 2010, the ACMA released a report that analysed Australian household internet user experiences with e-commerce. This included information about:

- > consumer purchasing behaviour with reference to who is buying goods and services online
- > the frequency of online purchases
- > the type of goods and services purchased online
- > the value of online purchases
- > whether online purchases are sourced within Australia.

This research complemented reports released under the *Communications report 2009–10* reporting series (see pages 150–151). Findings from this report were also presented at the Online Retail Forum hosted by the Minister for Broadband, Communications and the Digital Economy on 18 February 2011.

### 3G mobile billing and charging arrangements

The ACMA commissioned TNS Social Research to conduct research into 3G mobile bill-payers' understanding of billing and charging arrangements from May to August 2010. The study included a qualitative phase, followed by a national survey with Australians who live in households with a fixed-line telephone and those who do not.

The study found that while three-quarters of 3G customers were confident in their understanding of the call and SMS inclusions in their plan, just over half were confident in their understanding of charging for excess usage. Among the 40 per cent of bill-payers who use 3G features, approximately half had a low understanding or no understanding of data-charging arrangements.

Half of post-paid bill-payers had received an unexpectedly high bill, while 44 per cent of prepaid bill-payers had run out of credit faster than expected on their current plan, with voice calls being the main reason for exceeding usual usage. Just over half of all 3G bill-payers reported using spend management tools.

The findings have been used to inform the ACMA's *Reconnecting the Customer* public inquiry and the review of the Telecommunications Consumer Protection Code. The report was published in June 2011.

### Telecommunications customer service experiences and associated behaviours

Also published in June 2011 was the report of a national study examining the customer service and complaints-handling experiences of Australian telecommunications customers. This was commissioned to support the ACMA's *Reconnecting the Customer* public inquiry.

### Telecommunications numbering— Consumer behaviours and attitudes

In May 2011, the ACMA released the research report that supported the fourth consultation paper of the numbering work program. This national study conducted by Roy Morgan Research examined adult Australians' current numbering behaviour and their attitudes to telecommunications numbering. It also examined how they use and value the information associated with different numbering types as a way to manage their telecommunications needs.

Both qualitative and quantitative phases were conducted among adult consumers as well as small and medium businesses (SMEs). In the quantitative stage, a nationally representative sample of 1,500 Australians were interviewed, including 1,200 interviews with those who have a home phone and a further 300 with those who do not have a home phone but do have a mobile phone. The SME component involved in-depth interviews with SME business owners/Chief Executive Officers and telephone interviews with 1,797 SME proprietors, included in the Sensis® Business Index November 2010 survey.

The main findings were that mobile phones continue to leap ahead as the main communication service in use, while dual ownership of both a mobile and home phone is the most common scenario for over three-quarters of adult Australians. Bundled usage plans are becoming more popular, particularly for mobiles, and are influencing how telephones are used. The rise of mobiles and bundled usage plans is making the call price and location information embedded in traditional fixed-line telephone numbers less important for many of these users. Many also had a reduced understanding of less frequently called number types such as 13/1300 and 1800 numbers, compared with the more frequently called mobile and local numbers.

### Informed consent research

The ACMA commissioned qualitative research to understand community attitudes to consent and privacy issues in a variety of situations and across a range of communication platforms. The research identified how the experience of providing consent might be improved from a consumer perspective.

GfK bluemoon undertook the research in September 2010. The research methodology involved 14 discussion groups among Australians adults aged 18 years and over. To stimulate discussion, the research used realistic scenarios that involved a consumer giving consent.

Consumers identified a core principle of informed consent—that full information must be offered in an accessible manner at the time of agreement—and recognised their own responsibility to be fully informed when giving consent. It was revealed that there are three situations where consumers feel they need to be particularly informed—when substantial finances are involved, when detailed information is required of the individual, and when the brand or the company is not well known. The research also identified a range of practical measures that individuals can undertake to ensure that they are properly informed of their obligations before entering into contracts.

This study contributed to the ACMA's digital media literacy research program for 2010–11, as well as its *Reconnecting the Customer* public inquiry and the review of the Telecommunications Consumer Protection Code.

The report findings were published in March 2011.

### Transition to digital television Research into domestic antenna stock

In 2009–10, the ACMA commissioned research in the Bathurst/Orange area into methods that could be used to estimate domestic antenna stock. This validation study was designed to assist with planning assumptions when digital channel plans are reviewed and to help inform consumer advice. The report findings were published in March 2011.

Based on the findings from the Bathurst/Orange study, a further study of domestic antenna systems and television equipment in the Penrith area has been commissioned. The research report will be published later in 2011.

### Research into online safety

As part of the Australian Government's cybersafety policy, the ACMA provides a comprehensive national program of cybersafety initiatives, which includes conducting research on current cybersafety trends and developing education materials for schools. In 2010–11, the ACMA invited proposals for three separate research projects to inform the future development of cybersafety education resources.

### Evaluation of Cybersmart Detectives

The evaluation of Cybersmart Detectives examined the effectiveness of this online learning program in educating students about cybersafety issues. As part of the evaluation, the project collected qualitative and quantitative data to examine the immediate impact of the program on students' cybersafety knowledge, including whether students are able to link these messages to their own online behaviours outside the program. This project also examined the role of teachers in reinforcing the educational messages of the Cybersmart Detectives program. The research will be published in 2011–12.

### Cybersmart brand awareness

The Cybersmart brand awareness research collected quantitative data to measure community awareness and perception of the ACMA's Cybersmart brand, to help inform the future direction of Cybersmart communications and promotion activities. The first phase of this study was completed in late 2010 with the fieldwork for the one-year follow-up phase to commence in late 2011. The research report will be published in 2012.

### Cybersafety and social networking services

In May 2011, the ACMA commissioned research to examine children and young people's use of online social networking services. This qualitative study will focus on those aged 8–17 (inclusive) and will explore their perceptions of online risks and opportunities. The ACMA is interested in understanding how children and young people protect themselves online and the strategies they use to minimise online risk when using social networking services. This project is a follow-up to the ACMA's previous research on young Australians' use of online social media, published as the *Click and Connect* series in July 2009.

### Cybersmart Outreach Program evaluation

The Griffith Institute of Educational Research at Griffith University, Queensland, was contracted to provide an evaluation of the Cybersmart Outreach Program, which provides cybersafety education to teachers, students and parents around Australia. The aim of the evaluation is to obtain an objective assessment of the program's effectiveness and systematic feedback on its reception in schools, using quantitative and qualitative data. The findings will be reported in 2011.

### Broadcasting and media privacy

In the previous reporting period, the ACMA commenced a review of its *Privacy Guidelines for Broadcasters*. Expected to be completed in 2011–12, the review is considering:

- > an analysis of ACMA broadcasting privacy investigations since 2005 when the guidelines commenced
- > qualitative and quantitative research into attitudes to media privacy issues.
- > amendments to the guidelines.

During the year, qualitative and quantitative research was undertaken to inform this review. The research focused on privacy issues that arise in broadcast news and current affairs programs and radio competitions, with some coverage of online media content. Qualitative discussion groups commissioned from GfK bluemoon explored community attitudes to television and radio broadcasts that may intrude on people's privacy or disclose their personal information.

Community expectations about obtaining consent from individuals for the broadcast of personal material were also examined, with 10 questions asked in a Newspoll telephone omnibus survey of 1,200 people that provides representative measures of Australians' views on privacy issues in broadcast news and current affairs programs. The two reports of the research findings will be published in 2011–12.

## **Economic analysis and regulatory reviews**

The ACMA released the two following reports on 31 March 2011 as part of its review of the commercial radio standards.

### **Expected economic costs research**

The ACMA's report, *Reform of the commercial radio standards: a review of the expected economic costs*, evaluates the principal costs that may result from amending the commercial radio standards and considers whether they are likely to be economic costs to society or transfers between parties that do not result in significant economic costs.

### **Literature research on commercial influence on commercial radio**

*Review of Literature on Commercial Influence in News and Current Affairs Programs on Commercial Radio* was prepared by Professor Catharine Lumby and Professor Gerard Coggin of the Journalism and Media Research Centre at the University of New South Wales. The report identifies, reviews and analyses relevant literature on the following themes:

- > fairness in the presentation of programs
- > disinterestedness and disclosure
- > advertising
- > political matter
- > influence
- > talkback and ethics.

## **Digital media literacy**

The ACMA continues its work to support the promotion of media literacy in Australia. Digital media literacy is broadly defined as the skills and capabilities needed for effective participation in the digital economy and to encourage social inclusion in a networked society. Information, research and activities relating to digital media literacy are made available to stakeholders and the general public on the ACMA website.

## **Digital Australians—expectations about media content issues in a converging media environment**

GfK bluemoon was commissioned in 2011 to examine how adult Australians use media and the potential impacts of a converging media environment on their attitudes to, and expectations of, media content issues. The project also examines aspects of digital media literacy such as the skills and confidence needed to access and evaluate media content, using qualitative discussion groups and an online survey of internet users.

The research findings will be published in 2011.

## **Market trends and service developments**

During the year, the ACMA researched changes in traditional and emerging communications services, arising from the increasing use of wireless devices to access the internet.

### **Mobile network broadband**

In December 2010, the ACMA released a report examining current mobile network broadband trends in Australia. This report analyses developments in the supply of mobile network broadband, the current service offerings, and consumers' adoption and use of these services.

### **Emerging business models in the digital economy—the mobile applications market**

This report explores the characteristics of the mobile applications market for the purposes of identifying any pertinent regulatory issues for the ACMA. The paper analyses the mobile applications market by examining three of the largest 'app' stores, including potential sources of market failure and a range of issues faced by consumers. The mobile applications market provides a useful cross-section of the regulatory challenges that are posed by convergence, raising issues such as content regulation, privacy, personal data security and portability issues, cross-jurisdictional regulatory issues, and the problems associated with regulating markets with extended value chains and multiple players.

The report was released in May 2011.



## Technology and technical developments

The objective of this research is to understand the current and emerging technologies and services that underpin the industry's infrastructure, in order to establish effective and viable regulatory arrangements. The research contributes to an independent and comprehensive industry and consumer regulatory focus.

### Technology applications research publications

During the year, three technology-based research reports were published:

- > *Technology developments in the digital economy*, August 2010—explores developments in information and communications technologies that underpin the digital economy. The report is an analysis of major developments in three broad groups of technologies that have shown rapid change—infrastructure technologies, smart technologies and developments in the digital community—and how Australians reap the benefits of these technologies.
- > *Digital radio accessibility*, August 2010—provides an overview of current developments in digital radio technology and applications that could offer new features to help people with sensory impairments access radio broadcast services. The report covers captioned radio, accessible design developments, digital radio for the blind or visually impaired, and emergency warnings for people with sensory impairments delivered using digital radio.
- > *Developments in home networks*, February 2011—provides an understanding of how developments in access networks, service and device convergence, and the evolution of multimedia services are changing the home network environment. The provision of high-speed connectivity, interoperability and portability of services via the last few metres of network in the home is an area of considerable industry innovation and activity. The aim of this report is to identify technological developments and product migration issues for homeowners, service providers and industry.

## Ministerial reports

The ACMA's *Communications report 2009–10* fulfilled its statutory reporting requirements under section 105 of the Telecommunications Act to report to the Minister for Broadband, Communications and the Digital Economy on matters relating to the performance of carriers and CSPs, including consumer satisfaction, consumer benefits and quality of service. In undertaking the 2009–10 report, the ACMA completed a more compact statutory report and built a series of four complementary reports to enhance the value for stakeholders. The series of reports was then successfully disseminated using the latest Gov 2.0 methods. This process is described in the case study on pages 150–151.

## Comparative international research

*An overview of international cyber-security awareness raising and educational initiatives* was prepared for the ACMA by Galexia with assistance from the Cyberspace Law and Policy Centre at the University of New South Wales. The report provides a comparative analysis of international approaches to raise awareness among general and small business communities about cybersecurity risks. The report also contains an analysis of the literature used to support and evaluate the effectiveness of these programs.

## Content regulation

*International approaches to audiovisual content regulation—A comparative analysis of the regulatory frameworks*, released in May 2011, provides a current snapshot of audiovisual content regulation in selected jurisdictions. It provides a summary of their overall legislative framework for content regulation and offers insights into the characterisation of audiovisual content regulation in other jurisdictions—which employ either a graduated regulatory approach or a regulatory exemption approach—as well as discussing regulatory tools and institutional arrangements.

## Case study

# Communications report 2009–10—transforming statutory reporting

The communications report is a flagship publication for the ACMA, presenting information about the performance of carriers and CSPs, with particular reference to consumer satisfaction, consumer benefits and quality of service. The report fulfils the ACMA's statutory reporting requirements under section 105 of the Telecommunications Act and demonstrates its commitment to being an evidence-based regulator. The *Communications report 2009–10* is the fifth such report produced by the ACMA and was tabled in parliament on 9 December 2010.

The ACMA reduced the size of the statutory report during 2009–10 to focus on key reporting obligations and developed four smaller complementary reports to offer a comprehensive review of key changes in the demand and supply sides of the telecommunications industry. The reports included:

- > Report 1—*Australia in the digital economy: The shift to the online environment*. Released on 11 November 2010, this report examined increasing levels of online participation among Australian household consumers, and small and medium enterprises (SMEs).
- > Report 2—*Take-up and use of voice services by Australian consumers*. Released on 18 November 2010, this report focused on consumer use of voice communications.
- > Report 3—*Australian consumer satisfaction with communication services*. Released on 2 December 2010, this report focused on household consumer satisfaction levels.
- > Report 4—*Changing business models in the Australian communication and media sectors: Challenges and response strategies*. Released on 17 January 2011, this report provided an overview of how Australian media and telecommunications companies are responding to the challenge of convergence and their role in underpinning the developing digital economy.

Broad key themes that were raised in the 2009–10 reporting period included:

- > Continued evolution of digital communications technologies, with the mobile sector a key driver of growth—the total number of mobile services in operation (voice and data services) in Australia increased by seven per cent during 2009–10 to reach 25.99 million services at June 2010. The net growth in mobile services was fuelled by a very significant surge in the number of mobile wireless broadband services (datacard/dongle connected to a computer), which increased by 71 per cent over the period to reach 3.46 million at June 2010. New technologies are increasingly able to support voice, data and content services, complementing existing fixed-networks. This will continue to enable Australians to more fully participate in the digital economy and benefit from new service innovation.
- > New content and services are driving demand for broadband—fixed-line remains the dominant technology for broadband delivery; however, this is being complemented by the take-up of mobile broadband. Australians' appetite for more broadband is clear, whether they are at home or on the move.



- > Convergence presenting a challenge to traditional services—during 2009–10, the number of fixed-line telephone services in operation declined from 10.67 million to 10.59 million. At the same time, more consumers continued to access VoIP services from home, increasing from 2.5 million at June 2009 to 2.9 million at June 2010.

The reports can be accessed on the ACMA website.

Gov 2.0 distribution channels were also used to better disseminate the ACMA's 2009–10 report. The ACMA now has a strong following on social media such as Facebook and Twitter, so these channels were used in conjunction with the ACMA website and beta site, [engage.acma.gov.au](http://engage.acma.gov.au).

The new reporting formats seek to increase the ACMA's social media presence and provide stakeholders with a more dynamic and interactive experience. Key results are presented using a combination of data, text and video, allowing users of the reports to access either the whole report or specific content as needed. More importantly, the new format gives users the opportunity to provide input or feedback on key findings and data.

The issues raised in the communications report series are at the forefront of current economic and social policy development. As such, the report series attracted the interest of a broad range of stakeholders who use the information for business, research and policy development, as well as extensive favourable coverage in the media.

---

## **Chapter 4**

Managing and  
developing our  
resources

The background of the page is a light gray gradient. Overlaid on this are several thin, white, curved lines that flow from the bottom left towards the top right, creating a sense of movement and depth. These lines are more densely packed in some areas and more spread out in others, giving the impression of a stylized, abstract landscape or a dynamic flow of energy.

Chapter 4 details the ACMA's staffing arrangements, information management, corporate governance, communications and engagement, and financial and property management.

The ACMA continues to focus on strengthening its corporate, financial management and information management frameworks.

## Our people

---

The ACMA's staffing complement at 30 June 2011 was 659, compared with 663 at 30 June 2010. Comparative staffing details are given in Appendix 3.

Employment arrangements and conditions of work for all non-SES employees of the ACMA are determined by the *ACMA Enterprise Agreement 2011* (the ACMA Agreement). Salary ranges available under the ACMA Agreement are in Appendix 3.

Terms and conditions for ACMA's 21 Senior Executive Service (SES) employees are contained in common law contracts.

At 30 June 2011, the salary ranges for employees on common law arrangements were:

- > SES1: \$140,174 to \$173,794
- > SES2: \$178,188 to \$196,008.

Non-salary benefits provided to employees on common law arrangements may include:

- > performance bonus
- > retention bonus
- > mobile telephone/BlackBerry
- > airline club membership
- > residential broadband service
- > car allowance
- > parking
- > laptop or allowance and printer for use at home
- > outplacement assistance/financial counselling if deemed excess.

At 30 June 2011, 10 employees at Executive Level 1 (EL1) or Executive Level 2 (EL2) had individual flexibility arrangements (IFAs) for additional salary or retention bonuses. The highest additional salary increases the EL2 maximum to \$132,689 per annum and the EL1 maximum to \$100,483 per annum. The maximum retention bonus is \$10,000 per annum.

## Performance payments

Performance pay is available to employees at EL2 under the ACMA Agreement and to SES employees under common law contracts.

Total performance pay paid in 2010–11 for EL2 and SES Band 1 employees is set out in Table 40. Performance pay for SES Band 2 employees for 2010–11 is yet to be determined.

**Workplace Diversity Program**

The ACMA Workplace Diversity Program incorporates APS values and follows the Australian Public Service Commission’s *Guidelines on Workplace Diversity*. The program assists the ACMA to:

- > promote the benefits of diversity, for both agency and employees
- > develop and implement actions and achieve results towards diversity targets
- > adhere to its legal responsibilities as an employer
- > increase employee awareness and understanding of workplace diversity issues
- > encourage employees to recognise the benefits of operating within an inclusive work environment.

These diversity principles aim to value the range and variety of skills, abilities and backgrounds in the workplace and the Australian community at large.

The ACMA recognises and values individual differences and aims to raise awareness of the importance of workplace diversity by:

- > including the acknowledgment and acceptance/encouragement of diversity in organisational and individual performance plans
- > ensuring that selection criteria for management positions include the ability to integrate workplace diversity principles into everyday management practice
- > making information available to new employees in induction material.

The ACMA seeks to achieve high-quality equity and diversity outcomes by:

- > supporting equal access to training and development for all individuals and groups
- > ensuring that senior management supports the workplace diversity coordinator
- > helping employees balance work, study, family life and other caring responsibilities through access to home-based work, part-time work, flexitime, studies assistance, and personal and purchased leave.

On 30 June 2011, the ACMA’s employee profile was:

- > total employees: 659
- > number of women: 340
- > number of staff from a non-English-speaking background: 129
- > number of staff with a disability: 8
- > number of Indigenous staff: 4.

Equity in employee selection processes is promoted by training all relevant employees in how to select employees and by monitoring the effectiveness of the selection guidelines.

The Workplace Diversity Program is due to be revised in 2011–12. The ACMA will look to focus more of its resources on Indigenous employment strategies in line with the whole-of-government initiative, as well as on people with a disability.

**Changes to disability reporting in annual reports**

Since 1994, Commonwealth departments and agencies have reported on their performance as policy adviser, purchaser, employer, regulator and provider under the Commonwealth Disability Strategy. In 2007–08, reporting on the employer role was transferred to the Australian Public Service Commission’s *State of the Service Report* and the *APS Statistical Bulletin*. These reports are available at [www.apsc.gov.au](http://www.apsc.gov.au). From 2010–11, departments and agencies are no longer required to report on these functions.

Table 40: Performance payments 2010–11

Employee level	Employees paid	Total performance pay (\$)
EL2	110	1,225,548
SES Band 1	14	191,387
<b>Total</b>	<b>124</b>	<b>1,416,935</b>

The Commonwealth Disability Strategy has been overtaken by a new National Disability Strategy, which sets out a 10-year national policy framework for improving life for Australians with a disability, as well as for their families and carers. A high-level report to track progress for people with a disability at a national level will be produced by the Standing Council on Community, Housing and Disability Services to the Council of Australian Governments and will be available at [www.fahcsia.gov.au](http://www.fahcsia.gov.au). The Social Inclusion Measurement and Reporting Strategy agreed by the government in December 2009 will also include some reporting on disability matters in its regular *How Australia is Faring* report and, if appropriate, in strategic change indicators in agency annual reports. More detail on social inclusion matters can be found at [www.socialinclusion.gov.au](http://www.socialinclusion.gov.au).

### Ethical standards

The ACMA continued to promote the importance of ethical standards through its Chief Executive Instructions (CEIs), training programs, and human resources policies and guidelines. The ACMA has a CEI on gifts, benefits and hospitality, and has procurement policies and procedures that promote ethical standards.

A training program about bullying and harassment prevention, called 'Working Together', was launched in 2011 and included staff and management awareness-raising sessions. The ACMA also strengthened its Harassment Contact Officer network and circulated a range of intranet resource tools for staff and managers aimed at reducing instances of bullying.

Staff continued to be advised and reminded of their individual obligations under the APS Values and Code of Conduct through an online induction training program, an online managers' handbook and selection criteria for all ACMA position descriptions. Regular ACMA staff surveys tested staff knowledge and awareness of the APS Values and Code of Conduct.

The ACMA has a whistle-blowing policy in place and procedures for determining breaches of the APS Code of Conduct.

### Health and safety

The ACMA aims to promote and maintain a high standard of health, safety and wellbeing for all staff. This is achieved by:

- > preventing accidents and ill-health caused by adverse working conditions

- > protecting employees, contractors and the public from health hazards that may arise from their work or the conditions in which they work
- > locating employees in an occupational environment that maximises health, safety and wellbeing
- > promoting health and wellbeing
- > encouraging incident and hazard reporting
- > providing information and training to employees on health and safety issues.

The ACMA has health and safety management arrangements that provide a framework for the management of occupational health and safety within the ACMA. These arrangements also provide guidance for management and employees to work together to effectively manage workplace health and safety risks and hazards.

The ACMA has designated work groups covering all employees. Each group has an occupational health and safety (H&S) representative and a deputy, with each representative undertaking a five-day training course accredited by the Commission for the Safety, Rehabilitation and Compensation of Commonwealth Employees.

The ACMA has a strong H&S consultative arrangement with one national and four local H&S committees. These committees are formal structures established to discuss and resolve health and safety issues in the workplace, and comprise both management and employee representatives. Their broad function is to promote an environment in which ACMA management and employees work cooperatively to ensure the health and safety of employees.

Regular workplace inspections are undertaken in all ACMA workplaces to identify hazards and potential hazards and to review current hazard control measures. These inspections are undertaken by health and safety representatives and management representatives.

H&S information is provided to all new employees through the ACMA's electronic employee induction program. Employees have access to comprehensive health and wellbeing information through the intranet. Information provided covers a wide range of topics including mental health, ergonomics and safe computer use, and reporting hazards and injury.

The ACMA is committed to the promotion of health and wellbeing in the workplace and supports this through the following initiatives:

- > monthly *Well at Work* newsletter
- > mental health awareness sessions
- > the running of annual health expos
- > flu vaccinations
- > assistance with costs associated with eye testing and purchase of glasses for screen-based use
- > bullying and harassment awareness sessions.

The ACMA is strongly committed to the safe and early return to work of injured or ill employees, whether the injury or illness is work-related or not. This commitment is supported through early intervention strategies including the engagement of rehabilitation providers to facilitate the return to work process.

During the year, the ACMA did not give notice under section 68 of the *Occupational Health and Safety Act 1991* about any dangerous occurrences.

### Consultation and workplace relations

Staff consultative bodies are established under the *ACMA Enterprise Agreement 2011*. The National Consultative Forum deals primarily with the key strategic and change issues that affect the ACMA, and it met three times in the reporting period. Convened by the ACMA Chairman, it comprises management, union and employee representatives.

Local consultative forums, comprising management, union and employee representatives, and chaired by a senior manager, are established in each of the four work areas—Canberra, Melbourne, Sydney and Field Operations. The forums, which can refer matters with organisation-wide implications to the National Consultative Forum, each met three times in the reporting period.

Approaches used to involve employees in decision-making and information-sharing include all-staff meetings, planning sessions, branch and section meetings, focus groups, general information sessions and using the ACMA intranet to disseminate information.

The National Consultation Forum discussed a number of important issues in 2010–11 including the negotiation of the *ACMA Enterprise Agreement 2011*, the planned move of the Sydney office to Pyrmont and Project Enterprise. Project Enterprise is part of the ACMA Transformation Program. It will transform the ACMA's ICT technology platform and provide for a whole-of-the-ACMA business solution.

### People and capability development

The ACMA is committed to identifying and addressing short-, medium- and long-term capability and development needs on an individual staff member and agency basis to improve skills and knowledge and support staff career development. This aim is supported through strategic workforce planning, which focuses on agency capability requirements, delivering programs to 'live' the concept of being a learning organisation, and targeting individual and critical skill development needs as part of a structured learning and development calendar program.

The ACMA's net expenditure in 2010–11 for employee training was \$1,375,389. A range of topics was addressed in the courses with a particular focus on policy formulation and advice, project management and communication, and people management skills. Staff also attended industry-related seminars and conferences on leading-edge developments in the communications industry.

During the year, 50 employees were assisted under the ACMA's Studies Assistance Guidelines. Employees were supported in undertaking tertiary qualifications in specialised fields such as law, media and communications, economics, public policy and business administration.

ACMA Leadership 2.0—an experientially based leadership program developed in collaboration with the ACMA and conducted by Mt Eliza Executive Education—was launched in late 2010 and will involve the ACMA leadership team in a series of groups through to mid-2012. The program has been designed to enhance the leadership capabilities of ACMA senior management and executive staff, particularly the capacity to lead effectively in times of ambiguity and change.

The ACMA Field Office Competency Requirements, Qualifications and Training Project continued to meet the training needs of the Field Operations staff.

## Case study

# Strategic workforce planning

During 2010–11, the ACMA made significant progress in the complex area of strategic workforce planning. Building on the success of ICT workforce planning, the People and Capability team undertook intensive consultation across all areas of the ACMA to develop key workforce planning tools including:

- > a comprehensive ACMA Capability Framework to provide an evidence base for future capability-based planning
- > identification of the range of individual job roles in the agency through a combination of occupational type, classification and related capabilities from the Capability Framework
- > a career mapping tool for staff designed to enhance and focus personal development discussions
- > a succession planning tool for managers to identify successors for critical roles and ensure they are prepared to take up these roles in the future.

These tools provide the basis for sophisticated HR forecasting and trend analysis with the career mapping tool also being used as part of a staff engagement strategy. By providing information to staff on how to identify and develop positive career paths in the agency, the ACMA expects to increase retention and develop highly valued staff.

The Australian Public Service Commission (APSC) has recognised the ACMA as a frontrunner in workforce planning through its ICT workforce planning and its lead role in expanding workforce planning agency-wide. Invitations for the ACMA to speak on its progress at APSC symposiums, and the APSC's referral of agencies seeking support to the ACMA, are evidence of the significant progress that has been made.

With all the tools and foundations established, the ACMA will undertake agency-wide workforce planning during 2012–13 and will, where requested, assist other agencies to progress in the expectation that joint agency initiatives will enhance the strategic outcomes for all concerned.



## Performance management

The ACMA's performance management framework is designed to help it achieve organisational outcomes and outputs through the management of employee performance, support employees in the workplace, and maintain healthy and sustainable work practices. The framework specifically benefits employees by clarifying expectations, improving individual work performance, increasing skills and knowledge, and consequently enhancing career opportunities.

Individual performance and development plans identify key targets and expected results required to ensure that the objectives of both area business plans and the ACMA Strategic Plan are achieved. The framework is linked to the ACMA's planning cycle and allows for effective communication and formal feedback at regular intervals.

With the continued emphasis on performance management, there were a number of new initiatives and strategies introduced in 2010–11 to increase the effectiveness of the performance management framework. These included the:

- > continuation of the five-tier rating system
- > continuation of conditional pay rises linked to the completion of performance reviews
- > collection and analysis of data relating to performance ratings across the agency.

These initiatives have been successful in improving the consistency and higher level reporting capabilities for performance management.

## Creating Knowledge program

Designed specifically for ACMA staff, Creating Knowledge was developed to encourage the sharing of knowledge and expertise across the organisation. The current program consists of:

- > Conversations—prominent industry and academic speakers from the communications sector present their views on the current and emerging communications environment.

- > Cross Connections—staff-delivered seminar series on the ACMA's approach to current regulatory and policy issues, drawing connections between the work conducted in diverse branches and locations.
- > Technology Talks—engineering staff and invited guests deliver seminars on current and emerging communications technologies.
- > Section Snapshots—biannual seminar series providing a snapshot of what our diverse organisation is doing and achieving.
- > Chairman's Events—biannual social events held on site in the Canberra, Melbourne and Sydney offices. These events, including debates and trivia challenges, are hosted in partnership with the social clubs.

Social networking tools, including web-based forums for discussion and debate on emerging communication issues, are used to extend event discussions and knowledge-sharing among staff.

During the reporting period, 15 separate Creating Knowledge events were held, with an average of 135 ACMA staff attending each event.

## ACMA transformation program

The ACMA transformation program aims to transform the ACMA into a resilient organisation responsive to the numerous pressures for change it confronts.

The transformation of the ACMA has been structured around the development of 'muscles' of resilience. Each contributes to different forms of organisational capability in the following way:

- > physical—applying scarce resources to maximise leverage and outcomes
- > intellectual (mental)—generating alternatives and reflecting on legacy approaches
- > emotional—promoting self-awareness and considered responses
- > spiritual (in spirit)—nurturing genuine commitment to shared values, beliefs and goals.

An important reinforcement of the transformational approach within the ACMA was the most recent Transformational Leadership Forum (TLF) in November 2010. The TLF is a biannual meeting of the agency leadership team that provides an opportunity for discussion, information-sharing, networking and strategic planning of key transformational initiatives for the agency.

This recent TLF was structured around an emergent, open, inclusive discussion format focused on the concept of 'Making users part of our DNA'. Building on the ACMA 2.0 Leadership program approach, Mt Eliza—the executive education arm of the Melbourne Business School—facilitated a series of discussions and workshops.

The approach used structured but inclusive and open discussion models to discover the best creative and innovative initiatives contributing to the 'users as DNA' aim. This approach was highly successful and provided a strong model for the ACMA to develop a deeper and richer relationship with its stakeholders. This means being to be able to work with them in different modes, as expressed in our external-facing tag line: communicating | facilitating | regulating, particularly building on the opportunities opened up by Gov 2.0 initiatives. These aim to transform citizen involvement and help the ACMA deliver even more prompt and transparent decision-making and rule-making.

### Client Service Charter

The Client Service Charter outlines the ACMA's goals and the broad range of services it provides. The charter provides advice on how clients can contact the ACMA, the service clients should expect, service standards and complaints procedures. It also reflects the ACMA's commitment to providing efficient, effective and relevant services delivered in an environment of mutual respect. See Table 41 for a summary of client service complaints and compliments in 2010–11.

## Information management

### Transformation agenda

The ACMA continued its delivery of transformation projects in 2010–11.

Improving project and program management capabilities across the ACMA was recognised as a priority, with a maturity assessment being undertaken to identify the current level of competence across the agency. The Project Management Office (PMO) is a key enabler for improved project and program management through the development, delivery and implementation of an agency capability improvement plan. The acquisition and implementation of enterprise project management software in 2010–11 was a major step in the delivery of this capability improvement.

Five key business transformation projects are currently progressing, as shown in Table 42.

These projects will allow the ACMA to take advantage of new technologies to deliver efficiencies across its core business activities.

The main focus of current business transformation projects is to replace legacy IT systems with a suite of commercial-off-the-shelf (COTS) solutions. During 2010–11, the acquisition, design and implementation of a number of base COTS software capabilities has commenced or been completed in accordance with the ACMA's Enterprise Architecture principles.

The key achievement in this domain was the implementation of a customer information management system (CIM). Other COTS platform work commencing during 2010–11 includes accounts receivable, case management and an enterprise integration platform.

As the COTS enterprise platform comes to fruition, transformation project work will expand to include the replacement of core business systems like RADCOM and AIMS by using this platform.

Table 41: Summary of client service complaints and compliments, 2010–11

Description	Total no. of complaints	Total no. of compliments
Courtesy and respect	–	–
Identification of staff dealing with client	2	3
Response time to complaint	3	–
Accessible information	7	–

## Technology platform

The ACMA completed implementation of its *ACMACloud* in-house cloud architecture in 2010–11. This leading-edge infrastructure environment allows rapid server provisioning to meet business requirements in hours, rather than weeks or months. The resulting flexibility has enabled the ACMA to prototype systems quickly and deliver on major projects with minimal cost and disruption to the business. A completely rebuilt and modernised monitoring environment was also delivered as part of this project, providing increased reliability and improved out-of-hours support.

Continuing the ACMA's reputation for agile and innovative work practices, 2010–11 also saw introduction of the Gov 2.0 network to allow trialling and implementation of Gov 2.0 tools, techniques and solutions within a secure environment. Staff also saw improved flexibility and capability in their remote and home-based working arrangements with the deployment of Citrix XenApp 6.

A number of other important infrastructure milestones were reached in 2010–11, including:

- > creation of the new 64-bit Standard Operating Environment (SOE) for ACMA laptops. This is the first SOE to be compliant with the whole-of-government Windows 7 Common Operating Environment (COE) standard
- > implementation of the User Access Gateway to allow secure access for staff and external stakeholders to online ACMA applications
- > retirement and consolidation of server hardware to increase reliability and reduce costs
- > baseline identity management capability introduced, with a fully integrated identity management solution to be deployed across the agency and implemented in 2011–12

**Table 42: Key business transformation projects**

Project title	Key expected business benefits	Expected delivery
Project Enterprise	<ul style="list-style-type: none"> <li>&gt; improved licence management</li> <li>&gt; improved data integrity and accessibility</li> <li>&gt; increased effectiveness and efficiency for communications engineering and licence management</li> <li>&gt; common e-business platform</li> </ul>	Staged for delivery through 2011–13
Project PACMAN	<ul style="list-style-type: none"> <li>&gt; adequate systems for protected content assessment work</li> <li>&gt; improved workflow and assessment management</li> </ul>	2011–12
Case management	<ul style="list-style-type: none"> <li>&gt; common case management system, integrated with customer and contact database</li> <li>&gt; increased data accessibility and integrity</li> <li>&gt; improved transparency of enquiries</li> <li>&gt; investigation and complaints workflows</li> </ul>	2011–12
Project MICE	<ul style="list-style-type: none"> <li>&gt; increased effectiveness and efficiencies of business processes</li> <li>&gt; improved transparency of stakeholder interaction with the ACMA</li> </ul>	Staged for delivery through 2011–13
Digital publishing	<ul style="list-style-type: none"> <li>&gt; delivery of a new ACMA website and Gov 2.0 interaction toolset</li> <li>&gt; improved engagement with stakeholders</li> <li>&gt; increased usability of website</li> </ul>	2011–12

- > upgrading of the email system to Exchange Server 2010
- > substantially updating the Internet Content Assessment systems and servers to improve their reliability and accommodate new government initiatives in this space.

### Information management

The corporate rollout of SharePoint 2010 went ahead in 2010–11 with an initial uptake by over 45 per cent of staff and the creation of 200 sites. As well as allowing more efficient and effective collaboration, particularly across multiple site locations, a targeted training program has empowered teams to develop their own innovative solutions to business problems.

The roadmap for SharePoint will see it becoming a central platform for document storage and rapid delivery of business applications to meet team requirements, with a number of integration points to key business systems, such as the customer information management system (CIM). The deployment of smart add-on solutions, like RecordPoint, to enable compliant record-keeping directly within SharePoint, and the use of ControlPoint, to improve monitoring and governance, will be the key to these improvements.

An important information management initiative in 2010–11 was the internal publication of a customer information management strategy defining planned uses of technology to manage stakeholder information and interactions. The strategy identifies the implementation of a 'single source of reference' for stakeholder data as vital to meeting an increased focus on stakeholder engagement in the ACMA.

Using the principles and goals identified in this strategy, the ACMA's enterprise customer information management system will be used to:

- > unlock new business intelligence about the ACMA's stakeholders
- > provide a robust foundation and framework for stakeholder authorisation to drive the next round of online services delivery by the ACMA.

## Corporate governance

### Audit

During 2010–11, the ACMA's internal audit function was undertaken by Oakton. The strategic internal audit program continued to focus on whole-of-organisation and key corporate processes, particularly those associated with financial administration and information technology management. For information about the ACMA's Audit Committee, see *Governance* on page 31 and *Audit Committee* in Appendix 2.

### Risk management

During the year, the ACMA continued to implement a revised whole-of-agency risk management framework, focusing on branch-level identification and management of operational risk, and whole-of-agency strategic risks. Risks identified in the framework were integrated with the ACMA's business planning and linked to the 2011–12 internal budget process. The ACMA actively participates in Comcover's Benchmarking Risk Management Program.

The ACMA has reviewed its fraud control policy, guidelines and plan, and has the required fraud prevention, detection, investigation, reporting and data collection procedures in place to comply with the *Commonwealth Fraud Control Guidelines*.

The ACMA met all statutory reporting requirements required by the Australian National Audit Office (ANAO), the ACMA's insurer (Comcover) and the Attorney-General's Department for 2010–11.

### Security

The ACMA has commenced the transition of its security functions from the requirements set out in the *Australian Government Protective Security Manual 2005* to the Protective Security Policy Framework and its supporting policies and protocols, which came into effect in June 2010. All statutory reporting requirements were met in 2010–11.

The ACMA Security Advisory Committee continued to oversee agency security issues by implementing additional and improved policy and procedures.

In accordance with the *Commonwealth Fraud Control Guidelines*, the ACMA reviewed its fraud risk assessment and updated its Fraud Control Plan for 2011–13. All statutory reporting requirements of the *Commonwealth Fraud Control Guidelines* were met in 2010–11.

## Communications and engagement

---

The ACMA has revamped its communications and stakeholder engagement strategy, focusing more on the intended audience and targeting key segments through a variety of tailored channels and products. The ACMA is also reaching out directly to relevant social networking groups—reflecting the shift from print to digital—and relying less on mainstream traditional media channels.

New technologies provide opportunities to better understand stakeholder needs and user requirements. The ACMA is revamping its corporate website and subscribing to a series of web-based outreach applications to support its various campaigns, consultations, events and activities. This will help it to engage with users of social networks and visitors to the ACMA's satellite websites.

The aim is to foster genuine ongoing engagement with stakeholders built around the principles of the government's Gov 2.0 policy. The ACMA is now active in all the main social media and social network channels, and has launched a beta platform at [engage.acma.gov.au](http://engage.acma.gov.au) to drive its Web 2.0 engagement with users. Content is now being presented in a variety of formats—including graphics and video—and delivered through different channels like blogs, email, rss and web.

## Financial management

---

Throughout 2010–11, the ACMA continued to improve the provision of financial management and related services to internal and external stakeholders, including key agencies such as the Department of Finance and Deregulation (DoFD). The ACMA met all of its statutory budgeting and reporting requirements and deadlines as set down by DoFD and the ANAO.

Financial management resources were used to:

- > improve the external financial reporting process for the year-end financial statements
- > further improve internal management accounting reporting
- > enhance debtors and align processes
- > design and improve a number of internal accounting processes
- > upgrade the activity-based management system
- > upgrade the financial management information system
- > continue implementation of a revenue assurance framework
- > implement new measures and activities as requested by government
- > complete an extensive internal audit program, implement a number of changes across the ACMA, and participate actively in other audit undertakings
- > relocate the Sydney Office
- > manage and deliver several Cost Recovery Impact Statements
- > implement the Office of Best Practice Regulation requirements
- > implement a strategic budget and activity prioritisation review across the whole agency.

The ACMA's financial statements for 2010–11 were prepared in accordance with section 57 of the *Financial Management and Accountability Act 1997* and the Finance Minister's Orders. The ANAO issued an unmodified audit opinion on the statements and notes (see Appendix 18).

## Procurement and contract management

The ACMA continued efforts to strengthen its procurement and contract management capabilities. Procurement and contract management staff are responsible for ensuring procurement and contract management across the organisation is undertaken in an efficient, effective and non-discriminatory manner that, in addition to providing value for money, supports competition and achieves the objectives of the *Commonwealth Procurement Guidelines*.

Continuing process improvements and a simplified management instruction ensure that the latest compliant information and documentation is available to the ACMA and its stakeholders.

## Grant programs

The ACMA does not administer any grant programs.

## Asset management

The ACMA's asset management procedures and policies reflect relevant legislation and better practice. The major asset categories are land, buildings, leasehold improvements, plant, equipment, and software purchased and developed internally. Assets are valued at fair value. The carrying values and useful lives of assets are reviewed each year.

At the end of 2010–11, the ACMA had a net total value of \$41.947 million in assets. During the year, improvements were made in the processes of capitalising intangible assets. The capital management plan was further developed in 2010–11 to assist the ACMA in its capital planning for the medium to long term.

## Property management

---

The ACMA property portfolio includes leased, licensed and Commonwealth-owned premises ranging from office accommodation in the major capital cities to small radio monitoring sites at remote locations. The ACMA continues to review its office accommodation in accordance with the *Commonwealth Property Management Guidelines* and operational requirements.

In June 2011, the ACMA relocated the Sydney office from Darling Park in the central business district of Sydney to the Bay Centre building in Pyrmont. The relocation has strategically positioned the ACMA within the media precinct, with a modern office fit-out to meet business needs.

The office has been designed with sustainable solutions to achieve a 4.5 star NABERS energy rating in line with the recent green lease initiative issued by the Department of Climate Change. The design utilises natural light and sunshine with the introduction of daylight harvesting and timed movement sensors installed in all closed rooms to reduce power usage.

## Ecologically sustainable development and environmental performance

The ACMA has an ongoing commitment to reducing the organisation's impact on the environment through the procurement of green power. The current energy contracts for the ACMA's three principal offices and one regional office include a 10 per cent green energy component. The ACMA will continue to amend and update current energy contracts as they expire to include a 10 per cent green energy requirement. Cleaning contracts include specific reference to the provision of environmentally friendly cleaning products, and office waste is separated into recyclable and non-recyclable components.

---

# Appendixes

---

1. ACMA offices
2. ACMA committees, memberships and attendance at meetings
3. Staffing information
4. Licensing and licence allocations
5. Programs and content
6. Broadcasting investigations outcomes 2010–11
7. Freedom of information
8. Legislation
9. Notifications, directions and instruments
10. Disclosures of information
11. Judicial and administrative decisions 2010–11
12. Consultancies, advertising expenditure and competitive tendering
13. Outcome table 2010–11
14. Agency resource statement 2010–11
15. Performance against PBS KPIs and deliverables 2010–11
16. Regulatory impact analysis compliance report
17. Compliance index
18. Financial statements



# Appendix 1:

## ACMA offices

### Canberra

Purple Building, Benjamin Offices  
Chan Street, Belconnen  
PO Box 78, Belconnen ACT 2616  
T +61 2 6219 5555  
F +61 2 6219 5353

### Melbourne

Level 44, Melbourne Central Tower  
360 Elizabeth Street, Melbourne  
PO Box 13112 Law Courts, Melbourne VIC 8010  
T +61 3 9963 6800  
F +61 3 9963 6899

### Sydney

Level 5, The Bay Centre  
65 Pirrama Road, Pyrmont  
PO Box Q500, Queen Victoria Building NSW 1230  
T +61 2 9334 7700, 1800 226 667  
F +61 2 9334 7799

### Brisbane

424 Upper Roma Street  
Brisbane QLD 4000  
PO Box 288 Red Hill QLD 4059  
T +61 7 3247 7111  
F +61 7 3247 7100

### Parramatta

Level 3, 100 George Street  
Parramatta NSW 2150  
PO Box Q500 Queen Victoria Building NSW 1230  
T +61 2 9334 7700  
F +61 2 9334 7733

### Field Operations

PO Box 13112 Law Courts, Melbourne VIC 8010  
T 1300 850 115  
F +61 2 6219 5346

# Appendix 2:

## ACMA committees, memberships and attendance at meetings

The following tables provide information about ACMA committees, memberships and attendance at meetings in 2010–11.

### Authority meetings

At 30 June 2011, the Authority comprised the Chairman, the Deputy Chair, one full-time Member, five part-time Members and one Associate Member.<sup>1</sup>

The Authority met 20 times in 2010–11.

Table 43: Attendance by Members at Authority meetings, 2010–11

Authority Member	No. of meetings attended
Chris Chapman, Chairman	20
Richard Bean, Deputy Chair	14
Chris Cheah, full-time Member	20
Rod Shogren, part-time Member	19
Jennifer McNeill	15
Geoff Luther	14
Reg Coutts	15
Louise Benjamin	14
Hugh Marks	13
Graeme Samuel, Associate Member	5

<sup>1</sup> Jennifer McNeill granted a leave of absence from 11 May to 11 December 2011 to take up the role of Acting General Manager, Content, Consumer and Citizen Division.

## Executive Group meetings

The ACMA Executive Group functions as a senior oversight committee for management decisions. The Executive Group assists the Chairman by providing counsel on issues of high-level corporate or strategic significance to the agency.

The Executive Group met 12 times in 2010–11.

**Table 44: Attendance at Executive Group meetings, 2010–11**

Member of Executive Group	No. of meetings attended
Chris Chapman, Chairman	11
Richard Bean, Deputy Chair/Acting Chair (December) commenced 14 October 2010	9
Chris Cheah, full-time Member and Acting Deputy Chair (July–September)	10
Dianne Carlos, General Manager Corporate Services and Coordination	12
Giles Tanner, General Manager Digital Transition	12
Maureen Cahill, General Manager Communications Infrastructure	10
Allan Major, Acting General Manager Communications Infrastructure (February, May)	2
Brendan Byrne, General Manager Legal Services	12
Olya Booyar, General Manager Content, Consumer and Citizen (left ACMA March)	6
Jonquil Ritter, Acting General Manager Content, Consumer and Citizen (February, March)	2
Jennifer McNeill, Acting General Manager Content, Consumer and Citizen (May, June)	2
Nerida O'Loughlin, General Manager Digital Economy (left ACMA January)	5
Andree Wright, Acting General Manager Digital Economy (September, February–June)	6
Paul White, Acting General Manager Digital Economy (January)	1

## Audit Committee

The Audit Committee is an integral part of the ACMA's corporate governance framework, approving and overseeing delivery of the internal audit program—the Certificate of Compliance—and reviewing the ACMA's financial statements. The Audit Committee ensures the coordination of internal and external audit activities in addition to overseeing the risk management framework and the implementation of fraud control policies.

In its capacity as an advisory committee to the ACMA Chairman, the Audit Committee met four times in 2010–11.

**Table 45: Attendance by Members at Audit Committee, 2010–11**

Members	No. of meetings attended
Chris Cheah, Chair	4
Vanessa Fanning, Independent Audit Committee Member (to 23 August 2010)	1
Michael Harris, Independent Audit Committee Member	4
Linda Caruso, ACMA Audit Committee Member (to 23 August 2010)	1
Andree Wright, ACMA Audit Committee Member	4
Fay Holthuyzen, Independent Audit Committee Member (from 26 November 2010)	3
David Brumfield, ACMA Audit Committee Member (from 26 November 2010)	3

## Membership of advisory and consultative bodies

---

### Consumer Consultative Forum (CCF)

- > Australian Communications and Media Authority (Chair)
- > Australian Competition and Consumer Commission
- > Australian Mobile Telecommunications Association
- > Communications Alliance
- > Department of Broadband, Communications and the Digital Economy
- > Internet Industry Association
- > Telecommunications Industry Ombudsman

### Consumer representatives

- > Allan Asher, Australian Communications Consumer Action Network (until 13 August 2010)
- > Stella Avramopoulos, Kildonan Uniting Care (from 9 August 2010)
- > Teresa Corbin, Australian Communications Consumer Action Network
- > Anthony Gibson, NSW Farmers Association (from 9 August 2010)
- > Sarina Jan (until 9 August 2010)
- > Nicole Lawder, Deafness Forum Australia then Homelessness Australia
- > Heron Loban, James Cook University (from 9 August 2010)
- > Holly Raiche, Internet Society of Australia
- > Rosemary Sinclair, Australian Telecommunications Users Group
- > Professor Julian Thomas, Professor of Media and Communications, Swinburne University of Technology
- > Alex Varley, Media Access Australia (until 9 August 2010)

### Emergency Call Services Advisory Committee (ECSAC)

- > Australian Communications and Media Authority (Chair)
- > AAPT Ltd
- > Australian Capital Territory Emergency Services Authority
- > Australian Communication Exchange
- > Department of Broadband, Communications and the Digital Economy
- > Department of Emergency Services, Queensland
- > Emergency Management Australia
- > Emergency Services Telecommunications Authority, Victoria
- > Hutchison Telecommunications (Australia) Ltd

- > Internet Industry Association
- > National Emergency Communications Working Group
- > New South Wales Police
- > Fire and Rescue NSW
- > Northern Territory Police, Fire and Emergency Services
- > Singtel Optus Pty Ltd
- > South Australia Ambulance Service
- > St John Ambulance, Western Australia
- > Tasmania Police
- > Telstra Corporation
- > Victoria Police
- > Vodafone Pty Ltd

### Numbering Advisory Committee (NAC)

- > Australian Communications and Media Authority
- > Australian Communications Consumer Action Network Ltd
- > Australian Competition and Consumer Commission
- > Australian Electrical and Electronic Manufacturers' Association Ltd
- > Australian Information Industry Association Ltd
- > Australian Mobile Telecommunications Association Ltd
- > Australian Phone Word Association Ltd
- > Australian Telecommunications Users Group Ltd
- > Communications Alliance Ltd
- > Department of Broadband, Communications and the Digital Economy
- > PowerTel Ltd
- > SingTel Optus Pty Ltd
- > Small Enterprise Telecommunications Centre Ltd
- > Telstra Corporation Ltd
- > Vodafone Hutchison Australia Pty Ltd

### Observers

- > Engin Ltd
- > Industry Number Management Services
- > Primus Telecommunications
- > Verizon Australia Pty Ltd

### Technical Advisory Group

- > Australian Communications and Media Authority (Chair)
- > Australian Competition and Consumer Commission
- > Australian Industry Group
- > Australian Mobile Telecommunications Association
- > Australian Telecommunications Users Group
- > Broadcasting Industry Technical Advisory Group

- > Consumer Electronics Suppliers' Association
- > Communications Alliance Ltd
- > Department of Broadband, Communications and the Digital Economy
- > Energy Networks Association
- > Graeme King
- > National Association of Testing Authorities
- > National E-Health Transition Authority
- > Standards Australia

### **New South Wales Submarine Cable Protection Zone Advisory Committee**

- > Australian Communications and Media Authority (Chair)
- > Commercial fisher
- > Department of the Environment, Water, Heritage and the Arts
- > Department of Premier and Cabinet (NSW)
- > Sydney Ports
- > Australian Shipowners Association
- > Australia-Japan Cable
- > Southern Cross Cables
- > Australian Telecommunications Users Group
- > Advisory Council of Recreational Fishing
- > Commercial dive operator

### **Western Australia Submarine Cable Protection Zone Advisory Committee**

- > Australian Communications and Media Authority (Chair)
- > Western Australian Fishing Industry Council
- > Australian Petroleum Production and Exploration Association
- > Department of the Environment, Water, Heritage and the Arts
- > Department of Premier and Cabinet (WA)
- > Port of Fremantle
- > Australian Shipowners Association
- > REACH
- > Recfishwest
- > Australian Telecommunications Users Group
- > Commercial dive operator

## **Radiocommunications Consultative Committee (RCC)<sup>1</sup>**

### **Chairman**

- > Chair, Australian Communications and Media Authority
- > Vice-Chair, Australian Communications and Media Authority

### **Members**

- > Chairman of Australian Radiocommunications Study Group 1
- > Chairman of Australian Radiocommunications Study Group 3
- > Chairman of Australian Radiocommunications Study Group 4
- > Chairman of Australian Radiocommunications Study Group 5
- > Chairman of Australian Radiocommunications Study Group 6
- > Chairman of Australian Radiocommunications Study Group 7
- > Chairman of RCC Preparatory Group for World Radiocommunication Conference 2012
- > National Coordinating Committee for Government Radiocommunications
- > Department of Defence
- > Department of Broadband, Communications and the Digital Economy
- > Broadcast Industry Technical Advisory Group
- > Australian Mobile Telecommunications Association
- > Australian Space Industry Chamber of Commerce
- > Communications Alliance Ltd
- > Commonwealth Scientific and Industrial Research Organisation
- > Australian Electrical and Electronic Manufacturers Association
- > Wireless Institute of Australia
- > Airservices Australia
- > Bureau of Meteorology
- > ACMA-nominated spectrum expert
- > The chairs of subject-specific Working Groups operating under the auspices of the Radiocommunications Consultative Committee
- > Specialist industry advisor(s) as determined by the Chair of the Radiocommunications Consultative Committee

<sup>1</sup> The role, purpose and direction of the RCC is currently under review.

## **Appendix 3:**

### Staffing information

Table 46: Staff profiles by employment type, gender and location, 2010–11

NATIONAL		ONGOING												NON-ONGOING											
Classification	Full-time		Full-time		Part-time		Part-time		Full-time		Full-time		Part-time		Part-time		Total								
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female									
	01.07.10	30.06.11	01.07.10	30.06.11	01.07.10	30.06.11	01.07.10	30.06.11	01.07.10	30.06.11	01.07.10	30.06.11	01.07.10	30.06.11	01.07.10	30.06.11	01.07.10	30.06.11							
SES 2	2	2	4	2									1				6	5							
SES 1	9	9	6	6					1	1							16	16							
EL2	45	40	22	22	3	10	13			3			1	1			80	83							
Principal Lawyer	4	5	4	6		2	2			1			1	1			12	15							
EL1	111	115	69	65	4	27	29		2	3	2	4			1		217	220							
Senior Lawyer	4	2	6	8					1			1					12	10							
ACMA 6	77	74	66	77	3	14	16			2		2					164	173							
Lawyer			2														2	0							
ACMA 5	34	29	29	33		7	10		4	3	2	6		7	1		84	81							
ACMA 4	15	11	35	22	1	7	9			3		1		1	1		58	48							
ACMA 3	1	1	3	2		2	1										6	4							
ACMA 2									2			1		2	2	1	6	4							
Graduate																	0	0							
ACMA 1																	0	0							
TOTAL	302	288	246	243	10	69	80		10	16	10	16		11	5		663	659							



CANBERRA														
ONGOING						NON-ONGOING								
Classification	Full-time		Part-time		Part-time		Full-time		Part-time		Part-time		Total	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female		
	01.07.10	30.06.11	01.07.10	30.06.11	01.07.10	30.06.11	01.07.10	30.06.11	01.07.10	30.06.11	01.07.10	30.06.11	01.07.10	30.06.11
SES 2			2	2						1			2	3
SES 1	6	6											6	6
EL2	22	20	6	6	1	3	4	1					31	32
Principal Lawyer	1	1	1	1									2	2
EL1	45	45	19	17	3	2	2	2		1			69	67
Senior Lawyer	1		1	1									2	1
ACMA 6	26	24	20	23		4	4	1	1	1			51	53
Lawyer													0	0
ACMA 5	16	11	12	15		1	1	2	1	3			30	32
ACMA 4	3	4	23	14		4	7	2	1	1	1	1	31	29
ACMA 3				1						1			0	2
ACMA 2								2			2	2	6	2
Graduate													0	0
ACMA 1													0	0
TOTAL	120	111	84	80	3	3	14	18	2	6	2	8	230	229

MELBOURNE															
ONGOING								NON-ONGOING							
Classification	Full-time		Part-time		Full-time		Total	Full-time		Part-time		Full-time		Part-time	
	Male	Female	Male	Female	Male	Female		Male	Female	Male	Female	Male	Female	Male	Female
	01.07.10	30.06.11	01.07.10	30.06.11	01.07.10	30.06.11	01.07.10	30.06.11	01.07.10	30.06.11	01.07.10	30.06.11	01.07.10	30.06.11	01.07.10
SES 2			1											1	0
SES 1	3	3	2	2										5	5
EL2	15	12	7	6	1	2	3	1		1	1			27	26
Principal Lawyer	2	4												2	4
EL1	44	50	29	26	1	1	16	2	1	2				91	97
Senior Lawyer	3	1	4	6					1					8	7
ACMA 6	30	28	26	32	2		10	1	1					70	70
Lawyer			1											1	0
ACMA 5	11	11	13	14			8	1	1	2			1	31	36
ACMA 4	4	1	7	3			2							13	6
ACMA 3	1	1	2	1										4	2
ACMA 2													1	0	1
Graduate														0	0
ACMA 1														0	0
<b>TOTAL</b>	<b>113</b>	<b>111</b>	<b>92</b>	<b>90</b>	<b>4</b>	<b>3</b>	<b>39</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>253</b>	<b>254</b>

SYDNEY													
ONGOING							NON-ONGOING						
Classification	Full-time		Part-time		Full-time		Part-time		Full-time		Part-time		Total
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	
	01.07.10	30.06.11	01.07.10	30.06.11	01.07.10	30.06.11	01.07.10	30.06.11	01.07.10	30.06.11	01.07.10	30.06.11	01.07.10 30.06.11
SES 2	2	2	1										3 2
SES 1			4	4			1	1					5 5
EL2	8	8	9	10		4	5	1					21 24
Principal Lawyer	1		3	5		2	2	1	1	1	1	1	8 9
EL1	19	17	21	22	1	1	10	11	1	1			54 53
Senior Lawyer		1	1	1									1 2
ACMA 6	16	18	20	22	2	2		2	1	2	1		40 46
Lawyer			1										1 0
ACMA 5	4	4	4	4		1	1	1	1	1			13 10
ACMA 4	5	3	5	4		1		1					11 9
ACMA 3						1	1						1 1
ACMA 2													0 0
Graduate													0 0
ACMA 1													0 0
<b>TOTAL</b>	<b>55</b>	<b>53</b>	<b>69</b>	<b>72</b>	<b>3</b>	<b>4</b>	<b>19</b>	<b>22</b>	<b>5</b>	<b>6</b>	<b>5</b>	<b>3</b>	<b>1 158 161</b>

REGIONS																
ONGOING						NON-ONGOING										
Classification	Full-time		Part-time		Total	Full-time		Part-time		Total	Full-time		Part-time		Total	
	Male	Female	Male	Female		Male	Female	Male	Female							
SES 2	01.07.10	30.06.11	01.07.10	30.06.11	01.07.10	30.06.11	01.07.10	30.06.11	01.07.10	30.06.11	01.07.10	30.06.11	01.07.10	30.06.11	01.07.10	30.06.11
SES 1															0	0
EL2				1											0	0
Principal Lawyer															0	0
EL1	3	3													3	3
Senior Lawyer															0	0
ACMA 6	5	4													5	4
Lawyer															0	0
ACMA 5	3	3							7						10	3
ACMA 4	3	3		1											3	4
ACMA 3				1											1	0
ACMA 2															0	0
Graduate															0	0
ACMA 1															0	0
TOTAL	14	13	1	1	0	0	0	0	7	0	0	0	0	0	22	15

**Table 47: Salary ranges under ACMA Enterprise Agreement 2011**

ACMA local designation	Equivalent APS classification	1 Jan 2011 (\$)
ACMA 1.1	APS Level 1	40,649
ACMA 1.2		43,466
ACMA 2.1	APS Level 2	45,734
ACMA 2.2		48,943
ACMA 3.1	APS Level 3	50,694
ACMA 3.2		52,014
ACMA 3.3		53,332
ACMA 3.4		54,870
ACMA 4.1	APS Level 4	56,501
ACMA 4.2		58,299
ACMA 4.3		59,814
ACMA 4.4		61,469
ACMA 5.1	APS Level 5	63,019
ACMA 5.2		64,998
ACMA 5.3		66,920
ACMA 5.4		68,066
ACMA 6.1	APS Level 6	69,759
ACMA 6.2		71,670
ACMA 6.3		75,271
ACMA 6.4		78,513
ACMA EL1.1	Executive Level 1	87,156
ACMA EL1.2		91,683
ACMA EL1.3		95,331
ACMA EL1.4* (Restricted)		107,222
ACMA EL2.1	Executive Level 2	100,483
ACMA EL2.2		107,222
ACMA EL2.3		113,943
ACMA EL2.4		117,756
ACMA EL2.5**		120,530
Lawyer/Legal Officer 1.1	APS Level 5	64,998
Lawyer/Legal Officer 1.2	APS Level 5	68,066
Lawyer/Legal Officer 1.3	APS Level 6	71,670
Lawyer/Legal Officer 1.4	APS Level 6	78,513
Snr Lawyer/Legal Officer 2.1	Exec Level 1	87,156
Snr Lawyer/Legal Officer 2.2	Exec Level 1	95,331
Snr Lawyer/Legal Officer 2.3	Exec Level 1	107,222
Principal Lawyer 3.1	Exec Level 2	113,943
Principal Lawyer 3.2	Exec Level 2	117,756
Tech Trainee 1	Trainee APS (Technical)	40,649
Tech Trainee 2	Trainee APS (Technical)	43,466
Tech Trainee 3	Trainee APS (Technical)	45,734
Tech Trainee 4	Trainee APS (Technical)	48,943
Graduate 1.1	Graduate APS	52,014
Graduate 1.2	Graduate APS	54,870
Graduate 1.3***	APS Level 4	56,501

\*Restricted to employees locally designated as Snr Lawyer/Legal Officer.

\*\*Restricted to employees 'grandfathered' from ABA/ACA on this paypoint.

\*\*\*Upon successful completion of the graduate year, a graduate will be allocated an ACMA 3 (APS Level 3) local designation and immediately advanced to ACMA 4 (APS Level 4).

Abbreviations used in this appendix—SES: Senior Executive Service; EL: Executive Level; APS: Australian Public Service.

# Appendix 4:

## Licensing and licence allocations

**Table 48: Carrier licences, 2010–11**

No.	Carrier licence granted to	Date granted
293	Fortana Networks Australia Pty Ltd ACN 139 492 765	5 July 2010
294	Property Communications Management International Pty Ltd ACN 143 430 871	5 July 2010
295	FirstPath Pty Ltd ACN 145 209 383	17 August 2010
296	ASSC-1 Communications Group Pty Ltd ACN 146 235 592	18 October 2010
297	SME Telecommunications Pty Ltd ACN 125 997 971	8 November 2010
298	IFibre Pty Ltd ACN 145 752 807	16 November 2010
299	3Play Networks Pty Ltd ACN 104 632 475	22 November 2010
300	Barten Pty Ltd ACN 089 934 216	3 December 2010
301	CountryTell Management Pty Ltd ACN 113 494 769	8 December 2010
302	NT Technology Services Pty Ltd ACN 137 726 946	20 December 2010
303	Voice1Direct Pty Ltd ACN 143 730 465	22 December 2010
304	NexG Carrier Pty Ltd ACN 147 679 892	5 January 2011
305	OptiKor International Ltd (Registered in New Zealand)	10 March 2011
306	Aptus International Services Pty Ltd ACN 134 048 212	11 April 2011
307	Vocus Fibre Pty Ltd	5 May 2011
308	Addcom Contact Solutions Pty Ltd ACN 104 791 488	9 May 2011
309	Next Generation Voice Pty Ltd ACN 104 940 641	9 May 2011
310	JDC Communications Pty Ltd ACN 150 790 097	10 June 2011

**Table 49: Nominated carrier declarations, 2010–11**

No.	Nominated carrier declared	Network unit(s)	Date made
117	AeroMobile AS	Designated radiocommunications facilities owned by Virgin Blue International Airlines Pty Ltd, ACN 125 580 823, located onboard Virgin Blue International Airlines Pty Ltd aircraft.	22 December 2010
118	Ergon Energy Telecommunications Pty Ltd	Network units owned by: <ul style="list-style-type: none"> <li>&gt; Queensland Rail Ltd, ACN 132 181 090 in Queensland</li> <li>&gt; QR Network Pty Ltd, ACN 132 181 116 in Queensland</li> <li>&gt; Queensland Treasury Holdings Pty Ltd, ACN 011 027 295 in Queensland.</li> </ul>	2 February 2011

119	NexGen Networks Pty Ltd	Multiple line links owned by the Commonwealth of Australia (Department of Broadband, Communications and the Digital Economy), ABN 51 491 646 726 and located between: <ul style="list-style-type: none"> <li>&gt; Perth and Geraldton</li> <li>&gt; Darwin and Tennant Creek</li> <li>&gt; Marathon and Toowoomba</li> <li>&gt; Mildura and Gawler</li> <li>&gt; Broken Hill and Shepparton</li> <li>&gt; Noarlunga via Victor Harbor and Mount Barker.</li> </ul>	2 March 2011
120	Vodafone Hutchison Australia Pty Ltd	Line links and fixed radiocommunications links and base stations used, or for use, to supply a public mobile telecommunications service using a WCDMA Universal Mobile Telecommunication System radio access network, owned by 3GIS Pty Ltd (ACN 111 440 307) and owned jointly by Telstra OnAir Holdings Pty Ltd (ACN 094 166 328) and Vodafone Hutchison Australia Pty Ltd (ACN 096 304 620) as tenants in common, in Australia.	8 March 2011

**Table 50: Retransmission services, 2010–11**

Radio/TV	Area	State	Applicant	Frequency (MHz)/channel	Date of effect	Date of expiry
Radio	Golden Grove Mine	WA	MMG Golden Grove Pty Ltd	101.5	10/12/2010	09/12/2015
Radio	Golden Grove	WA	MMG Golden Grove Pty Ltd	103.1	10/12/2010	09/12/2015
TV	Wave Rock	WA	Country Television & Antenna Service	751.25/60	22/12/2010	21/12/2013
TV	Wave Rock Caravan Park	WA	Country Television & Antenna Service	793.25/66	22/12/2010	21/12/2013
TV	Cosmo Newberry	WA	Cosmo Newberry Aboriginal Corporation	730.25/57	19/08/2010	18/08/2011
TV	Cosmo Newberry	WA	Cosmo Newberry Aboriginal Corporation	751.25/60	19/08/2010	18/08/2011
TV	Cosmo Newberry	WA	Cosmo Newberry Aboriginal Corporation	814.25/69	19/08/2010	18/08/2011
TV	Cosmo Newberry	WA	Cosmo Newberry Aboriginal Corporation	772.25/63	19/08/2010	18/08/2011
Radio	Telfer	WA	Newcrest Mining Ltd	104.5	22/10/2010	21/10/2015
Radio	Telfer	WA	Newcrest Mining Ltd	98.9	22/10/2010	21/10/2015
Radio	McArthur River Mine	NT	McArthur River Mining Pty Ltd	105.3	10/12/2010	09/12/2015
Radio	McArthur River Mine	NT	McArthur River Mining Pty Ltd	106.9	10/12/2010	09/12/2015
Radio	McArthur River Mine	NT	McArthur River Mining Pty Ltd	103.7	10/12/2010	09/12/2015
TV	Crediton	Qld	WIN Television Qld Pty Ltd	774.5/63	10/09/2010	09/09/2011
TV	Crediton	Qld	Regional Television Pty Ltd	753.5/60	27/08/2010	26/08/2011
TV	Bell	Qld	Western Downs Regional Council	739.5/58	24/11/2010	23/11/2011
TV	Bell	Qld	Western Downs Regional Council	781.5/64	24/11/2010	23/11/2011
TV	Bell	Qld	Western Downs Regional Council	760.5/61	24/11/2010	23/11/2011
Radio	Morwell	Vic.	Gippsland Multicultural Service Inc.	90.9	06/12/2010	05/12/2011
Radio	Glendell Mine	NSW	Xstrata Mt Owen Pty Ltd	99.1	28/10/2010	27/10/2011
Radio	Ravensthorpe	WA	Esperance Broadcasters Pty Ltd	96.3	15/10/2010	14/10/2011
TV	Birchip	Vic.	RBA Holdings Pty Ltd	809.5/68	09/11/2010	08/11/2011

TV	Inverloch	Vic.	RBA Holdings Pty Ltd	725.5/56	09/11/2010	08/11/2011
TV	Timboon	Vic.	RBA Holdings Pty Ltd	774.5/63	09/11/2010	08/11/2011
TV	Birchip	Vic.	RBA Holdings Pty Ltd	704.5/53	09/11/2010	08/11/2011
TV	Birchip	Vic.	RBA Holdings Pty Ltd	816.5/69	09/11/2010	08/11/2011
TV	Birchip	Vic.	RBA Holdings Pty Ltd	718.5/55	09/11/2010	08/11/2011
TV	Birchip	Vic.	RBA Holdings Pty Ltd	697.5/52	09/11/2010	08/11/2011
TV	Boolarra	Vic.	RBA Holdings Pty Ltd	676.5/49	09/11/2010	08/11/2011
TV	Boolarra	Vic.	RBA Holdings Pty Ltd	802.5/67	09/11/2010	08/11/2011
TV	Boolarra	Vic.	RBA Holdings Pty Ltd	704.5/53	09/11/2010	08/11/2011
TV	Boolarra	Vic.	RBA Holdings Pty Ltd	690.5/51	09/11/2010	08/11/2011
TV	Boolarra	Vic.	RBA Holdings Pty Ltd	683.5/50	09/11/2010	08/11/2011
TV	Charlton	Vic.	RBA Holdings Pty Ltd	809.5/68	09/11/2010	08/11/2011
TV	Charlton	Vic.	RBA Holdings Pty Ltd	704.5/53	09/11/2010	08/11/2011
TV	Charlton	Vic.	RBA Holdings Pty Ltd	718.5/55	09/11/2010	08/11/2011
TV	Charlton	Vic.	RBA Holdings Pty Ltd	816.5/69	09/11/2010	08/11/2011
TV	Charlton	Vic.	RBA Holdings Pty Ltd	697.5/52	09/11/2010	08/11/2011
TV	Jeeralang/ Yinnar South	Vic.	RBA Holdings Pty Ltd	676.5/49	09/11/2010	08/11/2011
TV	Jeeralang/ Yinnar South	Vic.	RBA Holdings Pty Ltd	802.5/67	09/11/2010	08/11/2011
TV	Jeeralang/ Yinnar South	Vic.	RBA Holdings Pty Ltd	704.5/53	09/11/2010	08/11/2011
TV	Jeeralang/ Yinnar South	Vic.	RBA Holdings Pty Ltd	690.5/51	09/11/2010	08/11/2011
TV	Jeeralang/ Yinnar South	Vic.	RBA Holdings Pty Ltd	683.5/50	09/11/2010	08/11/2011
TV	Inverloch	Vic.	RBA Holdings Pty Ltd	767.5/62	09/11/2010	08/11/2011
TV	Inverloch	Vic.	RBA Holdings Pty Ltd	704.5/53	09/11/2010	08/11/2011
TV	Inverloch	Vic.	RBA Holdings Pty Ltd	746.5/59	09/11/2010	08/11/2011
TV	Inverloch	Vic.	RBA Holdings Pty Ltd	788.5/65	09/11/2010	08/11/2011
TV	Koondrook/Barham	Vic.	RBA Holdings Pty Ltd	809.5/68	09/11/2010	08/11/2011
TV	Koondrook/Barham	Vic.	RBA Holdings Pty Ltd	704.5/53	09/11/2010	08/11/2011
TV	Koondrook/Barham	Vic.	RBA Holdings Pty Ltd	718.5/55	09/11/2010	08/11/2011
TV	Koondrook/Barham	Vic.	RBA Holdings Pty Ltd	816.5/69	09/11/2010	08/11/2011
TV	Koondrook/Barham	Vic.	RBA Holdings Pty Ltd	697.5/52	09/11/2010	08/11/2011
TV	Newborough	Vic.	RBA Holdings Pty Ltd	802.5/67	09/11/2010	08/11/2011
TV	Newborough	Vic.	RBA Holdings Pty Ltd	739.5/58	09/11/2010	08/11/2011
TV	Newborough	Vic.	RBA Holdings Pty Ltd	781.5/64	09/11/2010	08/11/2011
TV	Newborough	Vic.	RBA Holdings Pty Ltd	718.5/55	09/11/2010	08/11/2011
TV	Newborough	Vic.	RBA Holdings Pty Ltd	760.5/61	09/11/2010	08/11/2011
TV	Terang	Vic.	RBA Holdings Pty Ltd	620.5/41	09/11/2010	08/11/2011
TV	Terang	Vic.	RBA Holdings Pty Ltd	655.5/46	09/11/2010	08/11/2011
TV	Terang	Vic.	RBA Holdings Pty Ltd	613.5/40	09/11/2010	08/11/2011
TV	Terang	Vic.	RBA Holdings Pty Ltd	634.5/43	09/11/2010	08/11/2011
TV	Terang	Vic.	RBA Holdings Pty Ltd	592.5/37	09/11/2010	08/11/2011
TV	Timboon	Vic.	RBA Holdings Pty Ltd	816.5/69	09/11/2010	08/11/2011
TV	Timboon	Vic.	RBA Holdings Pty Ltd	753.5/60	09/11/2010	08/11/2011
TV	Timboon	Vic.	RBA Holdings Pty Ltd	795.5/66	09/11/2010	08/11/2011



TV	Timboon	Vic.	RBA Holdings Pty Ltd	732.5/57	09/11/2010	08/11/2011
TV	Trafalgar/Yarragon	Vic.	RBA Holdings Pty Ltd	802.5/67	09/11/2010	08/11/2011
TV	Trafalgar/Yarragon	Vic.	RBA Holdings Pty Ltd	739.5/58	09/11/2010	08/11/2011
TV	Trafalgar/Yarragon	Vic.	RBA Holdings Pty Ltd	781.5/64	09/11/2010	08/11/2011
TV	Trafalgar/Yarragon	Vic.	RBA Holdings Pty Ltd	718.5/55	09/11/2010	08/11/2011
TV	Trafalgar/Yarragon	Vic.	RBA Holdings Pty Ltd	760.5/61	09/11/2010	08/11/2011
TV	Warracknabeal	Vic.	RBA Holdings Pty Ltd	760.5/61	09/11/2010	08/11/2011
TV	Warracknabeal	Vic.	RBA Holdings Pty Ltd	774.5/63	09/11/2010	08/11/2011
TV	Warracknabeal	Vic.	RBA Holdings Pty Ltd	781.5/64	09/11/2010	08/11/2011
TV	Warracknabeal	Vic.	RBA Holdings Pty Ltd	802.5/67	09/11/2010	08/11/2011
TV	Warracknabeal	Vic.	RBA Holdings Pty Ltd	795.5/66	09/11/2010	08/11/2011
TV	Wycheproof	Vic.	RBA Holdings Pty Ltd	809.5/68	09/11/2010	08/11/2011
TV	Wycheproof	Vic.	RBA Holdings Pty Ltd	704.5/53	09/11/2010	08/11/2011
TV	Wycheproof	Vic.	RBA Holdings Pty Ltd	718.5/55	09/11/2010	08/11/2011
TV	Wycheproof	Vic.	RBA Holdings Pty Ltd	816.5/69	09/11/2010	08/11/2011
TV	Wycheproof	Vic.	RBA Holdings Pty Ltd	697.5/52	09/11/2010	08/11/2011
Radio	Perenjori	WA	Karara Mining Ltd	102.1	11/11/2010	10/11/2011
Radio	Perenjori	WA	Karara Mining Ltd	100.5	11/11/2010	10/11/2011
Radio	Perenjori	WA	Karara Mining Ltd	103.7	11/11/2010	10/11/2011
Radio	Perenjori	WA	Karara Mining Ltd	105.3	11/11/2010	10/11/2011
Radio	Perenjori	WA	Karara Mining Ltd	106.9	11/11/2010	10/11/2011
TV	Doomadgee	Qld	Doomadgee Aboriginal Shire Council	793.25/66	20/10/2010	31/12/2013
Radio	Hamilton	Vic.	Southern Grampians Shire Council	100.5	20/12/2010	16/12/2015
Radio	Wudinna	SA	Wudinna District Council	100.5	05/11/2010	04/11/2015
TV	Ballarat East	Vic.	RBA Holdings Pty Ltd	802.5/67	13/12/2010	12/12/2011
TV	Ballarat East	Vic.	RBA Holdings Pty Ltd	781.5/64	03/12/2010	02/12/2011
TV	Ballarat East	Vic.	RBA Holdings Pty Ltd	718.5/55	03/12/2010	02/12/2011
TV	Ballarat East	Vic.	RBA Holdings Pty Ltd	760.5/61	03/12/2010	02/12/2011
TV	Ballarat East	Vic.	RBA Holdings Pty Ltd	739.5/58	03/12/2010	02/12/2011
Radio	Oberon	NSW	Bathurst Broadcasters Pty Ltd	105.5	01/01/2011	01/01/2012
Radio	Maryborough (Vic.)	Vic.	Central Goldfields Shire Council	104.5	20/12/2010	16/12/2015
Radio	Koolan Island Mine	WA	Koolan Iron Ore Pty Ltd	100.3	10/11/2010	09/11/2015
TV	Quorn	SA	Flinders Ranges Council	704.5/53	06/12/2010	15/12/2011
TV	Burra	SA	Regional Council of Goyder	704.5/53	21/01/2011	23/09/2012
Radio	Muttaborra	Qld	Barcaldine Regional Council	100.5	10/11/2010	09/11/2015
Radio	Aramac	Qld	Barcaldine Regional Council	99.7	10/11/2010	09/11/2011
Radio	Emerald	Qld	Jellinbah Mining Pty Ltd	106.5	25/11/2010	24/11/2015
Radio	Emerald	Qld	Jellinbah Mining Pty Ltd	104.9	25/11/2010	24/11/2015
TV	Morgan	SA	WIN Television SA Pty Ltd	641.5/44	26/11/2010	25/11/2011
TV	Morgan	SA	RBA Holdings Pty Ltd	627.5/42	02/12/2010	25/11/2011
TV	Morgan	SA	RBA Holdings Pty Ltd	620.5/41	02/12/2010	25/11/2011
TV	Orroroo	SA	Spencer Gulf Telecasters Ltd	669.5/48	26/11/2010	25/11/2011
TV	Orroroo	SA	RBA Holdings Pty Ltd	655.5/46	26/11/2010	25/11/2011
TV	Orroroo	SA	RBA Holdings Pty Ltd	662.5/47	26/11/2010	25/11/2011

Radio	Gunnedah	NSW	Gunnedah Shire Council	103.9	24/03/2011	23/03/2012
Radio	Richmond	Qld	Richmond Shire Council	101.3	24/12/2010	23/12/2011
Radio	Koodaideri Mine	WA	Pilbara Iron Company (Services) Pty Ltd	92.9	07/02/2011	06/02/2012
Radio	Koodaideri Mine	WA	Pilbara Iron Company (Services) Pty Ltd	91.3	07/02/2011	06/02/2012
Radio	Koodaideri Mine	WA	Pilbara Iron Company (Services) Pty Ltd	89.7	07/02/2011	06/02/2012
Radio	Koodaideri Mine	WA	Pilbara Iron Company (Services) Pty Ltd	96.1	07/02/2011	06/02/2012
Radio	Koodaideri Mine	WA	Pilbara Iron Company (Services) Pty Ltd	94.5	07/02/2011	06/02/2012
Radio	Emerald	Qld	Australian Broadcasting Corporation	99.3	05/01/2011	31/01/2011
Radio	St George	Qld	Australian Broadcasting Corporation	99.3	04/01/2011	31/01/2011
Radio	Rockhampton	Qld	Australian Broadcasting Corporation	99.3	05/01/2011	31/01/2011
Radio	Extension Hill Mine	WA	Mount Gibson Mining Ltd	104.1	11/04/2011	10/04/2012
Radio	Richmond	Qld	Richmond Shire Council	101.3	24/12/2010	23/12/2011
Radio	Extension Hill Mine	WA	Mount Gibson Mining Ltd	102.5	11/04/2011	10/04/2012
TV	Tara	Qld	Regional Television Pty Ltd	767.5/62	24/02/2011	23/02/2012
TV	Howqua	Vic.	RBA Holdings Pty Ltd	550.5/31	08/03/2011	07/03/2012
TV	Howqua	Vic.	RBA Holdings Pty Ltd	529.5/28	08/03/2011	07/03/2012
Radio	Christmas Creek Mine	WA	Fortescue Metals Group Ltd	90.9	07/04/2011	06/04/2012
Radio	Christmas Creek Mine	WA	Fortescue Metals Group Ltd	92.5	07/04/2011	06/04/2012
Radio	Christmas Creek Mine	WA	Fortescue Metals Group Ltd	94.1	07/04/2011	06/04/2012
TV	Glenden	Qld	Isaac Regional Council	655.5/46	20/04/2011	19/04/2012
TV	Glenden	Qld	Isaac Regional Council	697.5/52	20/04/2011	19/04/2012
Radio	Rosebery	Tas.	West Coast Council	91.1	28/04/2011	27/04/2012
Radio	Mt Owen	Tas.	West Coast Council	93.7	28/04/2011	27/04/2012
Radio	Strahan	Tas.	West Coast Council	94.7	28/04/2011	27/04/2012
TV	Balranald	Vic.	Balranald Shire Council	634.5/43	30/05/2011	29/05/2012
Radio	Brockman 4 Mine	WA	Hamersley Iron Pty Ltd	102.9	19/04/2011	18/04/2012
TV	Falls Creek	Vic.	Falls Creek Ski Lifts Pty Ltd	725.5/56	08/06/2011	07/06/2012
TV	Falls Creek	Vic.	Falls Creek Ski Lifts Pty Ltd	746.5/59	08/06/2011	07/06/2012
TV	Falls Creek	Vic.	Falls Creek Ski Lifts Pty Ltd	767.5/62	08/06/2011	07/06/2012
TV	Falls Creek	Vic.	Falls Creek Ski Lifts Pty Ltd	788.5/65	08/06/2011	07/06/2012
TV	Falls Creek	Vic.	Falls Creek Ski Lifts Pty Ltd	809.5/68	08/06/2011	07/06/2012
TV	Speewah	Qld	Tablelands Regional Council	781.5/64	07/06/2011	06/06/2012
TV	Speewah	Qld	Tablelands Regional Council	802.5/67	07/06/2011	06/06/2012
TV	Speewah	Qld	Tablelands Regional Council	760.5/61	07/06/2011	06/06/2012
TV	Speewah	Qld	Tablelands Regional Council	718.5/55	07/06/2011	06/06/2012
TV	Speewah	Qld	Tablelands Regional Council	739.5/58	07/06/2011	06/06/2012
TV	Khancoban	NSW	Snowy Hydro Ltd	683.5/50	08/06/2011	07/06/2012
Radio	Ravensthorpe	WA	Shire of Ravensthorpe	89.1	01/06/2011	31/12/2015
TV	Apollo Bay	Vic.	RBA Holdings Pty Ltd	781.5/64	23/06/2011	22/06/2012

TV	Apollo Bay	Vic.	RBA Holdings Pty Ltd	802.5/67	23/06/2011	22/06/2012
TV	Apollo Bay	Vic.	RBA Holdings Pty Ltd	816.5/69	23/06/2011	22/06/2012
TV	Apollo Bay	Vic.	RBA Holdings Pty Ltd	795.5/66	23/06/2011	22/06/2012
TV	Cohuna	Vic.	RBA Holdings Pty Ltd	767.5/62	23/06/2011	22/06/2012
TV	Cohuna	Vic.	RBA Holdings Pty Ltd	753.5/60	23/06/2011	22/06/2012
TV	Cohuna	Vic.	RBA Holdings Pty Ltd	746.5/59	23/06/2011	22/06/2012
TV	Cohuna	Vic.	RBA Holdings Pty Ltd	788.5/65	23/06/2011	22/06/2012

**Table 51: Licences for national services, 2010–11**

Radio/TV	Area	Broadcaster	Frequency (MHz)/ channel	Date of effect	Date of expiry
TV	Ceduna	ABC	606.5/39	03/09/2010	30/11/2011
TV	Cooktown	ABC	613.5/40	09/09/2010	30/11/2011
TV	Cunnamulla	ABC	219.5/11	09/09/2010	30/11/2011
TV	Clare	ABC	718.625/55	12/11/2010	11/11/2011
TV	Cooper Pedy	ABC	184.5/7	25/11/2010	30/11/2010
TV	Roxby Downs	SBS	571.5/34	17/02/2011	16/02/2012
Radio	Ballarat	ABC	97.1	16/04/2011	15/04/2012
Radio	Upper Murray	ABC	100.9	16/03/2011	15/03/2016

**Table 52: Test transmissions, 2010–11**

Radio/TV	Location	Broadcaster	Frequency (MHz)/ channel	Date of effect	Date of expiry
TV	Mudgee	Australian Capital Television Pty Ltd	788.5/65	17/02/2011	16/02/2012
TV	Middlemount	Regional Television Pty Ltd	697.5/52	24/07/2010	23/07/2011
TV	Cann River	Southern Cross Communications Ltd	205.5/9A	21/07/2010	20/07/2011
TV	Genoa	Southern Cross Communications Ltd	564.5/33	21/07/2010	20/07/2011
TV	Howqua	Southern Cross Communications Ltd	599.5/38	21/07/2010	20/07/2011
TV	Mallacoota	Southern Cross Communications Ltd	746.5/59	21/07/2010	20/07/2011
TV	Tawonga South	Southern Cross Communications Ltd	648.5/45	21/07/2010	20/07/2011
Radio	Rockhampton	Australian Broadcasting Corporation	97.1	26/07/2010	26/07/2010
TV	Dungog	Northern Rivers Television Pty Ltd	788.5/65	24/09/2010	23/09/2011
TV	Texas	Regional Television Pty Ltd	767.5/62	08/09/2010	07/09/2011
TV	Goondiwindi	Regional Television Pty Ltd	767.5/62	08/09/2010	07/09/2011
TV	Mt Cowley IBL	Northern Rivers Television Pty Ltd	781.5/64	12/10/2010	11/11/2010
TV	Mt Cowley IBL	Northern Rivers Television Pty Ltd	641.5/44	12/10/2010	11/11/2010
TV	Ceduna/Smoky Bay	Special Broadcasting Service Corporation	613.5/40	10/09/2010	09/09/2011

TV	Cann River	Prime Television (Victoria) Pty Ltd	704.5/53	24/09/2010	23/09/2011
TV	Genoa	Prime Television (Victoria) Pty Ltd	606.5/39	24/09/2010	23/09/2011
TV	Mallacoota	Prime Television (Victoria) Pty Ltd	767.5/62	24/09/2010	23/09/2011
TV	Orbost	Prime Television (Victoria) Pty Ltd	634.5/43	24/09/2010	23/09/2011
Radio	Townsville	Australian Broadcasting Corporation	105.1	14/11/2010	14/11/2010
Radio	Adelaide	Music Broadcasters Society of South Australia Inc.	99.9	01/12/2010	28/02/2011
Radio	Waikerie	Riverland Christian Radio Inc.	96.3	26/10/2010	25/10/2011
TV	St Helens	Tasmanian Digital Television Pty Ltd	655.5/46	22/12/2010	21/12/2011
TV	Binalong Bay	Tasmanian Digital Television Pty Ltd	655.5/46	22/12/2010	21/12/2011
TV	St Marys	Tasmanian Digital Television Pty Ltd	809.5/68	22/12/2010	21/12/2011
TV	Binalong Bay	WIN Television TAS Pty Ltd	662.5/47	03/12/2010	02/12/2011
TV	St Helens	WIN Television TAS Pty Ltd	662.5/47	03/12/2010	02/12/2011
TV	St Marys	WIN Television TAS Pty Ltd	774.5/63	03/12/2010	02/12/2011
TV	Balranald	Southern Cross Communications Ltd	620.5/41	26/11/2010	25/11/2011
TV	Casterton	Southern Cross Communications Ltd	753.5/60	26/11/2010	25/11/2011
TV	Halls Gap	Southern Cross Communications Ltd	753.5/60	26/11/2010	25/11/2011
TV	Hopetoun (Vic.)	Southern Cross Communications Ltd	564.5/33	26/11/2010	25/11/2011
TV	Clermont	WIN Television Qld Pty Ltd	795.625/66	06/12/2010	17/10/2011
TV	Middlemount	WIN Television Qld Pty Ltd	704.625/53	06/12/2010	17/10/2011
TV	Balranald	Prime Television (Victoria) Pty Ltd	592.5/37	03/03/2011	02/03/2012
TV	Casterton	Prime Television (Victoria) Pty Ltd	774.5/63	03/03/2011	02/03/2012
TV	Halls Gap	Prime Television (Victoria) Pty Ltd	774.5/63	03/03/2011	02/03/2012
TV	Stuart	Regional Television Pty Ltd	753.5/60	16/02/2011	15/02/2012
TV	Clermont	Regional Television Pty Ltd	774.625/63	16/02/2011	15/02/2012
TV	Bombala	Prime Television (Southern) Pty Ltd	774.5/63	12/03/2011	11/03/2012
TV	Kandos	Prime Television (Southern) Pty Ltd	746.5/59	12/03/2011	11/03/2012
TV	Condobolin	Australian Capital Television Pty Ltd	739.5/58	15/03/2011	14/03/2012
TV	Kandos	Australian Capital Television Pty Ltd	767.5/62	15/03/2011	14/03/2012
TV	Hay	WIN Television Griffith Pty Ltd	725.5/56	28/02/2011	27/02/2012
TV	Alice Springs	Regional Television Pty Ltd	599.5/38	28/02/2011	27/02/2012
TV	Mount Isa	Regional Television Pty Ltd	592.5/37	28/02/2011	27/02/2012
TV	Howqua	WIN Television Vic. Pty Ltd	774.5/63	02/03/2011	01/03/2012
TV	Hopetoun (Vic.)	Prime Television (Victoria) Pty Ltd	529.5/28	05/05/2011	04/05/2012

Radio	Culcairn	Greater Hume Shire Council	91.1	06/07/2011	20/07/2011
TV	Alice Springs	Imparja Television Pty Ltd	543.5/30	22/04/2011	21/04/2012
TV	Mount Isa	Imparja Television Pty Ltd	606.5/39	22/04/2011	21/04/2012
TV	Atherton	Regional Television Pty Ltd	781.5/64	11/05/2011	17/10/2011
TV	Ashford	Prime Television (Northern) Pty Ltd	753.5/60	11/05/2011	09/05/2012
TV	Dungog	Prime Television (Northern) Pty Ltd	767.5/62	11/05/2011	09/05/2012
TV	Murrurundi	Prime Television (Northern) Pty Ltd	641.5/44	11/05/2011	09/05/2012
TV	Collinsville	Regional Television Pty Ltd	767.5/62	11/05/2011	17/10/2011
TV	Gordonvale	Regional Television Pty Ltd	655.5/46	11/05/2011	17/10/2011
TV	Nebo	Regional Television Pty Ltd	753.5/60	11/05/2011	17/10/2011
TV	Glenden	Regional Television Pty Ltd	613.5/40	11/05/2011	17/10/2011
TV	Monto	WIN Television Qld Pty Ltd	795.625/66	23/06/2011	17/10/2011
TV	Nebo	WIN Television Qld Pty Ltd	774.5/63	23/06/2011	17/10/2011
TV	Atherton	Regional Television Pty Ltd	781.5/64	11/05/2011	17/10/2011
TV	Stuart	WIN Television Qld Pty Ltd	774.5/63	23/06/2011	17/10/2011
TV	Mission Beach	Channel Seven Queensland Pty Ltd	704.5/53	29/06/2011	28/06/2012
TV	Gordonvale	Channel Seven Queensland Pty Ltd	634.5/43	29/06/2011	28/06/2012
TV	Atherton	WIN Television Qld Pty Ltd	739.625/58	29/06/2011	17/10/2012
TV	Cardwell	WIN Television Qld Pty Ltd	676.5/49	29/06/2011	17/10/2012
TV	Gordonvale	WIN Television Qld Pty Ltd	676.5/49	29/06/2011	17/10/2012

**Table 53: Digital licences, 2010–11**

Area	State	Broadcaster	Purpose	Frequency (MHz)	Channel	Date of effect	Date of expiry
Braidwood	NSW	Australian Capital Television Pty Ltd	Commercial	746.5	59	01/08/2010	31/07/2011
Jindabyne	NSW	Snowy Mountains Television Pty Ltd	HPON	669.5	48	05/10/2010	04/10/2011
Crediton	Qld	WIN Television Qld Pty Ltd	Retransmission	774.5	63	10/09/2010	09/09/2011
Crediton	Qld	Regional Television Pty Ltd	Retransmission	753.5	60	27/08/2010	26/08/2011
Inverell	NSW	NBN Ltd	Commercial	767.5	62	15/09/2010	10/06/2011
Bell	Qld	Western Downs Regional Council	Retransmission	739.5	58	24/11/2010	23/11/2011
Bell	Qld	Western Downs Regional Council	Retransmission	781.5	64	24/11/2010	23/11/2011
Bell	Qld	Western Downs Regional Council	Retransmission	760.5	61	24/11/2010	23/11/2011
Birchip	Vic.	RBA Holdings Pty Ltd	Retransmission	809.5	68	09/11/2010	08/11/2011
Inverloch	Vic.	RBA Holdings Pty Ltd	Retransmission	725.5	56	09/11/2010	08/11/2011
Timboon	Vic.	RBA Holdings Pty Ltd	Retransmission	774.5	63	09/11/2010	08/11/2011
Birchip	Vic.	RBA Holdings Pty Ltd	Retransmission	704.5	53	09/11/2010	08/11/2011
Birchip	Vic.	RBA Holdings Pty Ltd	Retransmission	816.5	69	09/11/2010	08/11/2011
Birchip	Vic.	RBA Holdings Pty Ltd	Retransmission	718.5	55	09/11/2010	08/11/2011

Birchip	Vic.	RBA Holdings Pty Ltd	Retransmission	697.5	52	09/11/2010	08/11/2011
Boolarra	Vic.	RBA Holdings Pty Ltd	Retransmission	676.5	49	09/11/2010	08/11/2011
Boolarra	Vic.	RBA Holdings Pty Ltd	Retransmission	802.5	67	09/11/2010	08/11/2011
Boolarra	Vic.	RBA Holdings Pty Ltd	Retransmission	704.5	53	09/11/2010	08/11/2011
Boolarra	Vic.	RBA Holdings Pty Ltd	Retransmission	690.5	51	09/11/2010	08/11/2011
Boolarra	Vic.	RBA Holdings Pty Ltd	Retransmission	683.5	50	09/11/2010	08/11/2011
Charlton	Vic.	RBA Holdings Pty Ltd	Retransmission	809.5	68	09/11/2010	08/11/2011
Charlton	Vic.	RBA Holdings Pty Ltd	Retransmission	704.5	53	09/11/2010	08/11/2011
Charlton	Vic.	RBA Holdings Pty Ltd	Retransmission	718.5	55	09/11/2010	08/11/2011
Charlton	Vic.	RBA Holdings Pty Ltd	Retransmission	816.5	69	09/11/2010	08/11/2011
Charlton	Vic.	RBA Holdings Pty Ltd	Retransmission	697.5	52	09/11/2010	08/11/2011
Jeeralang/ Yinnar South	Vic.	RBA Holdings Pty Ltd	Retransmission	676.5	49	09/11/2010	08/11/2011
Jeeralang/ Yinnar South	Vic.	RBA Holdings Pty Ltd	Retransmission	802.5	67	09/11/2010	08/11/2011
Jeeralang/ Yinnar South	Vic.	RBA Holdings Pty Ltd	Retransmission	704.5	53	09/11/2010	08/11/2011
Jeeralang/ Yinnar South	Vic.	RBA Holdings Pty Ltd	Retransmission	690.5	51	09/11/2010	08/11/2011
Jeeralang/ Yinnar South	Vic.	RBA Holdings Pty Ltd	Retransmission	683.5	50	09/11/2010	08/11/2011
Inverloch	Vic.	RBA Holdings Pty Ltd	Retransmission	767.5	62	09/11/2010	08/11/2011
Inverloch	Vic.	RBA Holdings Pty Ltd	Retransmission	704.5	53	09/11/2010	08/11/2011
Inverloch	Vic.	RBA Holdings Pty Ltd	Retransmission	746.5	59	09/11/2010	08/11/2011
Inverloch	Vic.	RBA Holdings Pty Ltd	Retransmission	788.5	65	09/11/2010	08/11/2011
Koondrook/ Barham	Vic.	RBA Holdings Pty Ltd	Retransmission	809.5	68	09/11/2010	08/11/2011
Koondrook/ Barham	Vic.	RBA Holdings Pty Ltd	Retransmission	704.5	53	09/11/2010	08/11/2011
Koondrook/ Barham	Vic.	RBA Holdings Pty Ltd	Retransmission	718.5	55	09/11/2010	08/11/2011
Koondrook/ Barham	Vic.	RBA Holdings Pty Ltd	Retransmission	816.5	69	09/11/2010	08/11/2011
Koondrook/ Barham	Vic.	RBA Holdings Pty Ltd	Retransmission	697.5	52	09/11/2010	08/11/2011
Newborough	Vic.	RBA Holdings Pty Ltd	Retransmission	802.5	67	09/11/2010	08/11/2011
Newborough	Vic.	RBA Holdings Pty Ltd	Retransmission	739.5	58	09/11/2010	08/11/2011
Newborough	Vic.	RBA Holdings Pty Ltd	Retransmission	781.5	64	09/11/2010	08/11/2011
Newborough	Vic.	RBA Holdings Pty Ltd	Retransmission	718.5	55	09/11/2010	08/11/2011
Newborough	Vic.	RBA Holdings Pty Ltd	Retransmission	760.5	61	09/11/2010	08/11/2011
Terang	Vic.	RBA Holdings Pty Ltd	Retransmission	620.5	41	09/11/2010	08/11/2011
Terang	Vic.	RBA Holdings Pty Ltd	Retransmission	655.5	46	09/11/2010	08/11/2011
Terang	Vic.	RBA Holdings Pty Ltd	Retransmission	613.5	40	09/11/2010	08/11/2011
Terang	Vic.	RBA Holdings Pty Ltd	Retransmission	634.5	43	09/11/2010	08/11/2011
Terang	Vic.	RBA Holdings Pty Ltd	Retransmission	592.5	37	09/11/2010	08/11/2011
Timboon	Vic.	RBA Holdings Pty Ltd	Retransmission	816.5	69	09/11/2010	08/11/2011
Timboon	Vic.	RBA Holdings Pty Ltd	Retransmission	753.5	60	09/11/2010	08/11/2011
Timboon	Vic.	RBA Holdings Pty Ltd	Retransmission	795.5	66	09/11/2010	08/11/2011
Timboon	Vic.	RBA Holdings Pty Ltd	Retransmission	732.5	57	09/11/2010	08/11/2011

Trafalgar/ Yarragon	Vic.	RBA Holdings Pty Ltd	Retransmission	802.5	67	09/11/2010	08/11/2011
Trafalgar/ Yarragon	Vic.	RBA Holdings Pty Ltd	Retransmission	739.5	58	09/11/2010	08/11/2011
Trafalgar/ Yarragon	Vic.	RBA Holdings Pty Ltd	Retransmission	781.5	64	09/11/2010	08/11/2011
Trafalgar/ Yarragon	Vic.	RBA Holdings Pty Ltd	Retransmission	718.5	55	09/11/2010	08/11/2011
Trafalgar/ Yarragon	Vic.	RBA Holdings Pty Ltd	Retransmission	760.5	61	09/11/2010	08/11/2011
Warracknabeal	Vic.	RBA Holdings Pty Ltd	Retransmission	760.5	61	09/11/2010	08/11/2011
Warracknabeal	Vic.	RBA Holdings Pty Ltd	Retransmission	774.5	63	09/11/2010	08/11/2011
Warracknabeal	Vic.	RBA Holdings Pty Ltd	Retransmission	781.5	64	09/11/2010	08/11/2011
Warracknabeal	Vic.	RBA Holdings Pty Ltd	Retransmission	802.5	67	09/11/2010	08/11/2011
Warracknabeal	Vic.	RBA Holdings Pty Ltd	Retransmission	795.5	66	09/11/2010	08/11/2011
Wycheproof	Vic.	RBA Holdings Pty Ltd	Retransmission	809.5	68	09/11/2010	08/11/2011
Wycheproof	Vic.	RBA Holdings Pty Ltd	Retransmission	704.5	53	09/11/2010	08/11/2011
Wycheproof	Vic.	RBA Holdings Pty Ltd	Retransmission	718.5	55	09/11/2010	08/11/2011
Wycheproof	Vic.	RBA Holdings Pty Ltd	Retransmission	816.5	69	09/11/2010	08/11/2011
Wycheproof	Vic.	RBA Holdings Pty Ltd	Retransmission	697.5	52	09/11/2010	08/11/2011
Ceduna	SA	Australian Broadcasting Corporation	National	606.5	39	03/09/2010	30/11/2011
Cooktown	Qld	Australian Broadcasting Corporation	National	613.5	40	09/09/2010	30/11/2011
Cunnamulla	Qld	Australian Broadcasting Corporation	National	219.5	11	09/09/2010	30/11/2011
Ballarat East	Vic.	RBA Holdings Pty Ltd	Retransmission	802.5	67	13/12/2010	12/12/2011
Ballarat East	Vic.	RBA Holdings Pty Ltd	Retransmission	781.5	64	03/12/2010	02/12/2011
Ballarat East	Vic.	RBA Holdings Pty Ltd	Retransmission	718.5	55	03/12/2010	02/12/2011
Ballarat East	Vic.	RBA Holdings Pty Ltd	Retransmission	760.5	61	03/12/2010	02/12/2011
Ballarat East	Vic.	RBA Holdings Pty Ltd	Retransmission	739.5	58	03/12/2010	02/12/2011
Gloucester	NSW	NBN Ltd	Commercial	557.625	32	05/11/2010	10/06/2011
Walcha	NSW	NBN Ltd	Commercial	767.5	62	05/11/2010	10/06/2011
Quorn	SA	Flinders Ranges Council	Retransmission	704.5	53	06/12/2010	15/12/2011
Burra	SA	Regional Council of Goyder	Retransmission	704.5	53	21/01/2011	23/09/2012
Clare	SA	Australian Broadcasting Corporation	National	718.625	55	12/11/2010	11/11/2011
St Marys	Tas.	Southern Cross Television (Tnt9) Pty Ltd	Commercial	753.5	60	24/03/2011	23/03/2012
St Helens	Tas.	Southern Cross Television (Tnt9) Pty Ltd	Commercial	648.5	45	24/03/2011	23/03/2012
Binalong Bay	Tas.	Southern Cross Television (Tnt9) Pty Ltd	Commercial	788.5	65	24/03/2011	23/03/2012
Morgan	SA	WIN Television SA Pty Ltd	Retransmission	641.5	44	26/11/2010	25/11/2011
Morgan	SA	RBA Holdings Pty Ltd	Retransmission	627.5	42	02/12/2010	25/11/2011
Morgan	SA	RBA Holdings Pty Ltd	Retransmission	620.5	41	02/12/2010	25/11/2011
Orroroo	SA	Spencer Gulf Telecasters Ltd	Retransmission	669.5	48	26/11/2010	25/11/2011
Orroroo	SA	RBA Holdings Pty Ltd	Retransmission	655.5	46	26/11/2010	25/11/2011

Orroroo	SA	RBA Holdings Pty Ltd	Retransmission	662.5	47	26/11/2010	25/11/2011
Coober Pedy	SA	Australian Broadcasting Corporation	National	184.5	7	25/11/2010	30/11/2010
Herberton	Qld	WIN Television Qld Pty Ltd	Commercial	739.5	58	06/12/2010	17/10/2011
Tieri	Qld	WIN Television Qld Pty Ltd	Commercial	774.625	63	06/12/2010	17/10/2011
Springsure	Qld	WIN Television Qld Pty Ltd	Commercial	676.5	49	06/12/2010	17/10/2011
Ravenshoe	Qld	WIN Television Qld Pty Ltd	Commercial	676.5	49	06/12/2010	17/10/2011
Moranbah Town	Qld	WIN Television Qld Pty Ltd	Commercial	774.5	63	06/12/2010	17/10/2011
Broome	WA	Goolarri Media Enterprises Pty Ltd	HPON	550.5	31	15/12/2010	14/12/2011
Bonnie Doon	Vic.	Prime Television (Victoria) Pty Ltd	Commercial	564.5	33	16/02/2011	13/12/2011
Howqua	Vic.	Prime Television (Victoria) Pty Ltd	Commercial	592.5	37	16/02/2011	13/12/2011
Glen Innes	NSW	NBN Ltd	Commercial	767.5	62	10/12/2010	10/06/2011
Roxby Downs	SA	Special Broadcasting Service Corporation	National	571.5	34	17/02/2011	16/02/2012
Tara	Qld	Regional Television Pty Ltd	Retransmission	767.5	62	24/02/2011	23/02/2012
Howqua	Vic.	RBA Holdings Pty Ltd	Retransmission	550.5	31	08/03/2011	07/03/2012
Howqua	Vic.	RBA Holdings Pty Ltd	Retransmission	529.5	28	08/03/2011	07/03/2012
Murrurundi	NSW	NBN Ltd	Commercial	648.5	45	15/03/2011	11/02/2012
Merriwa	NSW	NBN Ltd	Commercial	648.625	45	15/03/2011	11/02/2012
Glenden	Qld	Isaac Regional Council	Retransmission	655.5	46	20/04/2011	19/04/2012
Glenden	Qld	Isaac Regional Council	Retransmission	697.5	52	20/04/2011	19/04/2012
Alice Springs	NT	Central Digital Television Pty Ltd	Commercial	613.5	40	22/04/2011	21/04/2012
Mount Isa	Qld	Central Digital Television Pty Ltd	Commercial	620.5	41	22/04/2011	21/04/2012
Kyogle	NSW	NBN Ltd	Commercial	718.5	55	05/04/2011	04/04/2012
Bonalbo	NSW	NBN Ltd	Commercial	774.5	63	05/05/2011	04/05/2012
Tenterfield	NSW	NBN Ltd	Commercial	802.5	67	05/05/2011	04/05/2012
Balranald	Vic.	Balranald Shire Council	Retransmission	634.5	43	30/05/2011	29/05/2012
Falls Creek	Vic.	Falls Creek Ski Lifts Pty Ltd	Retransmission	725.5	56	08/06/2011	07/06/2012
Falls Creek	Vic.	Falls Creek Ski Lifts Pty Ltd	Retransmission	746.5	59	08/06/2011	07/06/2012
Falls Creek	Vic.	Falls Creek Ski Lifts Pty Ltd	Retransmission	767.5	62	08/06/2011	07/06/2012
Falls Creek	Vic.	Falls Creek Ski Lifts Pty Ltd	Retransmission	788.5	65	08/06/2011	07/06/2012
Falls Creek	Vic.	Falls Creek Ski Lifts Pty Ltd	Retransmission	809.5	68	08/06/2011	07/06/2012
Speewah	Qld	Tablelands Regional Council	Retransmission	781.5	64	07/06/2011	06/06/2012
Speewah	Qld	Tablelands Regional Council	Retransmission	802.5	67	07/06/2011	06/06/2012
Speewah	Qld	Tablelands Regional Council	Retransmission	760.5	61	07/06/2011	06/06/2012



Speewah	Qld	Tablelands Regional Council	Retransmission	718.5	55	07/06/2011	06/06/2012
Speewah	Qld	Tablelands Regional Council	Retransmission	739.5	58	07/06/2011	06/06/2012
Khancoban	NSW	Snowy Hydro Ltd	Retransmission	683.5	50	08/06/2011	07/06/2012
Apollo Bay	Vic.	RBA Holdings Pty Ltd	Retransmission	781.5	64	23/06/2011	22/06/2012
Apollo Bay	Vic.	RBA Holdings Pty Ltd	Retransmission	802.5	67	23/06/2011	22/06/2012
Apollo Bay	Vic.	RBA Holdings Pty Ltd	Retransmission	816.5	69	23/06/2011	22/06/2012
Apollo Bay	Vic.	RBA Holdings Pty Ltd	Retransmission	795.5	66	23/06/2011	22/06/2012
Cohuna	Vic.	RBA Holdings Pty Ltd	Retransmission	739.5	58	23/06/2011	22/06/2012
Cohuna	Vic.	RBA Holdings Pty Ltd	Retransmission	767.5	62	23/06/2011	22/06/2012
Cohuna	Vic.	RBA Holdings Pty Ltd	Retransmission	753.5	60	23/06/2011	22/06/2012
Cohuna	Vic.	RBA Holdings Pty Ltd	Retransmission	746.5	59	23/06/2011	22/06/2012
Cohuna	Vic.	RBA Holdings Pty Ltd	Retransmission	788.5	65	23/06/2011	22/06/2012

**Table 54: Apparatus licences, 2009–11**

Licence type	30 June 2009	30 June 2010	30 June 2011
Aeronautical	1,977	2,077	2,048
Aircraft	13	13	12
Amateur	15,432	15,626	15,672
Broadcasting	9,676	9,956	9,644
Defence	71	71	78
Earth	389	478	481
Fixed	42,302	42,607	43,592
Land mobile	63,660	64,882	64,628
Maritime coast	3,403	3,405	3,541
Maritime ship	8,594	8,359	8,089
Outpost	5,363	4,887	4,446
Public telecommunications service	13	13	648
Radiodetermination	2,330	2,630	2,837
Scientific	502	472	445
Space	60	73	74
Major coast receive	17	17	17
Earth receive	371	492	532
Fixed receive	1,014	1,015	999
Space receive	64	257	307
<b>Total</b>	<b>155,251</b>	<b>157,330</b>	<b>158,090</b>

*Note: these figures include multi-year licences.*

**Table 55: Broadcasting service apparatus licence variations, 2010–11**

Radio/ TV	Applicant	Area served	Frequency (MHz)/ Channel	Date of effect	Date of expiry
Radio	United Christian Broadcasters Australia Ltd	Casterton	104.5	19/07/2010	16/12/2010
Radio	Castlemaine District Radio Inc.	Castlemaine	94.9	13/08/2010	12/08/2011
Radio	Way Out West Fine Music Inc.	Penrith	100.7	15/09/2010	14/09/2011
Radio	Newcrest Mining Ltd	Telfer	100.5	22/10/2010	21/10/2015
Radio	Shoalhaven Community Radio Inc.	Nowra	104.5	23/08/2010	22/08/2011
Radio	Toowoomba Christian Broadcasters Assoc.	Toowoomba	92.9	07/09/2010	28/02/2011
Radio	Mid North Coast Indigenous Broadcasters Association Aboriginal Corporation	Taree	103.3	01/12/2010	30/11/2011
Radio	Shire of Moora	Moora	106.7	02/07/2010	18/11/2011
Radio	W & L Phillips Pty Ltd	Kingscote	95.5	07/10/2010	03/10/2011
Radio	Seymour Puckapunyal Community Radio Inc.	Seymour	103.9	20/10/2010	19/10/2011
Radio	North West Radio Pty Ltd	Telfer	106.9	05/11/2010	02/11/2011
Radio	MMG Golden Grove Pty Ltd	Golden Grove Mine	106.3	08/11/2010	24/03/2012
Radio	North West Radio Pty Ltd	Exmouth	99.7	01/12/2010	03/10/2011
Radio	Central Desert Shire Council	Engawala	100.3	03/12/2010	04/09/2011
Radio	Gumnut Nominees Pty Ltd	Griffith	90.3	04/12/2010	31/08/2015
TV	Southern Cross Television (Tnt9) Pty Ltd	Burnie	788.5/65	04/12/2010	31/03/2011
TV	Southern Cross Television (Tnt9) Pty Ltd	Cygnets	683.5/50	04/12/2010	31/03/2011
TV	Southern Cross Television (Tnt9) Pty Ltd	Dover	781.5/64	04/12/2010	31/03/2011
TV	Southern Cross Television (Tnt9) Pty Ltd	Geeveston	781.625/64	04/12/2010	31/03/2011
TV	Southern Cross Television (Tnt9) Pty Ltd	New Norfolk	774.625/63	04/12/2010	31/03/2011
TV	Southern Cross Television (Tnt9) Pty Ltd	Orford	662.5/47	04/12/2010	31/03/2011
TV	Southern Cross Television (Tnt9) Pty Ltd	Penguin	613.625/40	04/12/2010	31/03/2011
TV	Southern Cross Television (Tnt9) Pty Ltd	Ulverstone	613.625/40	04/12/2010	31/03/2011
TV	Southern Cross Television (Tnt9) Pty Ltd	Acton Road	599.5/38	04/12/2010	31/03/2011
Radio	Launceston Community FM Group Inc.	Launceston	96.5	20/12/2010	31/10/2011
Radio	Vision Australia Ltd	Bendigo	88.7	20/12/2010	31/03/2011
Radio	Capital Community Radio Inc.	Perth	101.7	22/12/2010	31/08/2015
TV	Special Broadcasting Service Corporation	Ceduna	613.5/40	08/01/2011	09/09/2011
Radio	Commercial Radio Australia Ltd	Canberra	211.648/10B	11/02/2011	30/06/2011
Radio	Ryde Regional Radio Co-operative Ltd	Sydney	88.5	15/03/2011	14/03/2012
Radio	Gumnut Nominees Pty Ltd	Griffith	90.3	11/05/2011	31/08/2015
Radio	Gumnut Nominees Pty Ltd	Darwin East	90.7	10/06/2011	30/06/2011

**Table 56: S102 licences allocated, 2010–11**

Applicant	Radio/TV	Area	Frequency (MHz)	Channel	Date of effect	Date of expiry
Australian Capital Television Pty Ltd	TV	Braidwood	746.5	59	01/08/2010	31/07/2011
NBN Ltd	TV	Inverell	767.5	62	15/09/2010	10/06/2011
Kiewa Valley Community Radio Association Inc.	Radio	Mount Beauty	92.9		01/11/2010	30/10/2011
NBN Ltd	TV	Gloucester	557.625	32	05/11/2010	10/06/2011
NBN Ltd	TV	Walcha	767.5	62	05/11/2010	10/06/2011
WIN Television Qld Pty Ltd	TV	Herberton	739.5	58	06/12/2010	17/10/2011
WIN Television Qld Pty Ltd	TV	Tieri	774.625	63	06/12/2010	17/10/2011
WIN Television Qld Pty Ltd	TV	Springsure	676.5	49	06/12/2010	17/10/2011
WIN Television Qld Pty Ltd	TV	Ravenshoe	676.5	49	06/12/2010	17/10/2011
WIN Television Qld Pty Ltd	TV	Moranbah Town	774.5	63	06/12/2010	17/10/2011
NBN Ltd	TV	Glen Innes	767.5	62	10/12/2010	10/06/2011
Prime Television (Victoria) Pty Ltd	TV	Bonnie Doon	564.5	33	16/02/2011	13/12/2011
Prime Television (Victoria) Pty Ltd	TV	Howqua	592.5	37	16/02/2011	13/12/2011
Rebel Radio Network Pty Ltd	Radio	Bourke	107.3		01/03/2011	29/02/2012
WIN Television Vic Pty Ltd	TV	Alexandra	774.5	63	02/03/2011	01/03/2012
NBN Ltd	TV	Murrurundi	648.5	45	15/03/2011	11/02/2012
NBN Ltd	TV	Merriwa	648.625	45	15/03/2011	11/02/2012
Southern Cross Television (Tnt9) Pty Ltd	TV	St Marys	753.5	60	24/03/2011	23/03/2012
Southern Cross Television (Tnt9) Pty Ltd	TV	St Helens	648.5	45	24/03/2011	23/03/2012
Southern Cross Television (Tnt9) Pty Ltd	TV	Binalong Bay	788.5	65	24/03/2011	23/03/2012
NBN Ltd	TV	Kyogle	718.5	55	05/04/2011	04/04/2012
Central Digital Television Pty Ltd	TV	Alice Springs	613.5	40	22/04/2011	21/04/2012
Central Digital Television Pty Ltd	TV	Mount Isa	620.5	41	22/04/2011	21/04/2012
NBN Ltd	TV	Bonalbo	774.5	63	05/05/2011	04/05/2012
NBN Ltd	TV	Tenterfield	802.5	67	05/05/2011	04/05/2012
Radio West Broadcasters Pty Ltd	Radio	Augusta	101.5		31/05/2011	30/05/2016
Radio West Broadcasters Pty Ltd	Radio	Collie	96.7		31/05/2011	30/05/2016

Table 57: Special events, 2010–11

Medium	Location	Applicant	Frequency (MHz)/channel	Start date	End date
<b>Australian Capital Territory</b>					
Radio	Canberra (SE)	Mitchell Jamieson-Curran	99.5	01/10/2010	04/10/2010
Radio	Stromlo	Tim Kuschel	99.5	07/10/2010	10/10/2010
Radio	Canberra	Street Machine Services Pty Ltd	99.5	06/01/2011	09/01/2011
Radio	Canberra	Tim Kuschel	99.5	30/03/2011	03/04/2011
Radio	Canberra	Tim Kuschel	99.5	08/04/2011	10/04/2011
Radio	Canberra	Canberra Islamic Centre	103.1	28/07/2011	02/09/2011
Radio	Canberra	Canberra Islamic Centre	103.1	30/07/2011	01/09/2011
<b>New South Wales</b>					
Radio	Sydney	2CR China Radio Network Pty Ltd	91.5	11/09/2010	25/09/2010
Radio	Nambucca Heads	Drag-ens Hot Rod Club	90.5	26/09/2010	03/10/2010
Radio	Bathurst	Jands Production Services	103.9	07/10/2010	10/10/2010
Radio	Sydney	Islamic Radio and Communication Ltd	90.9	18/10/2010	18/11/2010
Radio	Olympic Park	Stadium Australia Management Ltd	89.5	21/10/2010	23/10/2010
Radio	Sydney	Sounddec Pty Ltd	61.2	05/11/2010	02/02/2011
Radio	Sydney	Sounddec Pty Ltd	62.7	05/11/2010	02/02/2011
Radio	Sydney	Riedel Communications Australia Pty Ltd	91.5	07/11/2010	07/11/2010
Radio	Homebush	Jands Production Services	107.9	29/11/2010	06/12/2010
Radio	Mascot	InUrEar Pty Ltd	90.9	02/12/2010	05/12/2010
Radio	Hurstville	Bankstown and Surrounding Areas Community Radio Inc.	90.9	07/12/2010	05/01/2011
Radio	Sydney City (SE)	Jands Production Services	91.5	09/12/2010	14/12/2010
Radio	Sydney	China Radio Network Pty Ltd	91.5	21/01/2011	13/02/2011
Radio	Sydney	Bankstown and Surrounding Areas Community Radio Inc.	90.9	20/02/2011	05/03/2011
Radio	Homebush	Australian Film Television and Radio School	107.9	12/04/2011	27/04/2011
Radio	Sydney	Tristan Taylor	90.9	26/05/2011	14/06/2011
<b>Queensland</b>					
Radio	Cairns	FNQ Broadcasters Cairns Pty Ltd	92.9	28/08/2010	28/08/2010
Radio	Dakabin (SE)	Seventh-Day Adventist Church (South Queensland Conference) Ltd	90.7	17/09/2010	26/09/2010
TV	Caloundra	Jim Downey	541.25/30	08/10/2010	10/10/2010
Radio	Gold Coast	Jands Production Services	101.7	21/10/2010	24/10/2010
Radio	Brisbane	Sounddec Pty Ltd	62.7	03/11/2010	16/01/2011
Radio	Brisbane	Sounddec Pty Ltd	61.2	07/11/2010	30/01/2011
Radio	Brisbane	Sounddec Pty Ltd	62.7	07/11/2010	30/01/2011
Radio	Coolum Golf Course (SE)	InUrEar Pty Ltd	100.1	09/12/2010	12/12/2010
Radio	Coolangatta (SE)	Robert Carr	107.9	01/06/2011	15/06/2011
Radio	Boyne Island	Boyne Tannum Hook Up Assoc Inc.	103.9	09/06/2011	12/06/2011
Radio	Laura	Queensland Remote Aboriginal Media (Aboriginal Corporation)	98.1	19/06/2011	21/06/2011

South Australia					
Radio	Murray Bridge	Bob's Sound Systems Pty Ltd	681.25/50	16/09/2010	20/09/2010
TV	Mt Gambier	Bushvision	590.25/37	04/11/2010	07/11/2010
Radio	Adelaide	Staging Connections Pty Ltd	94.3	12/11/2010	14/11/2010
Radio	Adelaide	Sounddec Pty Ltd	61.2	03/12/2010	26/01/2011
Radio	Adelaide	Sounddec Pty Ltd	62.7	03/12/2010	26/01/2011
Radio	Adelaide	South Australian Motorsport Board Pty Ltd	94.3	17/03/2011	20/03/2011
Tasmania					
Radio	Burnie	Burnie Ten Inc.	96.1	16/10/2010	18/10/2010
Radio	Deloraine	Rotary Club Of Deloraine	99.5	29/10/2010	01/11/2010
Radio	Hobart	Sounddec Pty Ltd	62.7	21/01/2011	21/01/2011
Radio	Hobart	Sounddec Pty Ltd	62	21/01/2011	21/01/2011
Radio	Hobart (SE)	Watchtower Bible & Tract Society of Australia	104.1	09/09/2011	11/09/2011
Victoria					
Radio	Mildura	Mildura Country Music Festival Inc.	92.3	19/09/2010	04/10/2010
Radio	Mildura	Mildura District & Returned Ex-Servicemen's Agricultural & Horticultural Soc. Inc.	92.3	13/10/2010	18/10/2010
TV	Phillip Island	Australian Grand Prix	800.25/67	15/10/2010	17/10/2010
Radio	Mildura	Arts Mildura Jazz Food & Wine Festival	92.3	24/10/2010	02/11/2010
Radio	Melbourne	Sounddec Pty Ltd	61.2	03/11/2010	16/01/2011
Radio	Springvale	Mccall Communications Pty Ltd	99.7	18/11/2010	21/11/2010
Radio	Melbourne	Melbourne City Council	99.7	28/12/2010	02/01/2011
Radio	Melbourne	Tennis Australia Ltd	99.7	14/01/2011	01/02/2011
Radio	Melbourne	Australian Grand Prix	99.7	21/03/2011	28/03/2011
TV	Melbourne	Kangaroo.TV Europe Ltd	802.9/67	23/03/2011	27/03/2011
TV	Melbourne	Kangaroo.TV Europe Ltd	802.9/67	23/03/2011	27/03/2011
TV	Melbourne	Kangaroo.TV Europe Ltd	802.9/67	23/03/2011	27/03/2011
TV	Melbourne	Kangaroo.TV Europe Ltd	802.9/67	23/03/2011	27/03/2011
TV	Melbourne	Kangaroo.TV Europe Ltd	802.9/67	23/03/2011	27/03/2011
Radio	Caveat	Scout Association of Australia (Victorian Branch)	94.9	08/06/2011	13/06/2011
Radio	Melbourne	Lateral Linking Broadcast Pty Ltd	99.7	11/06/2011	13/06/2011
Radio	Melbourne	Lateral Linking Broadcast Pty Ltd	89.3	11/06/2011	13/06/2011
Radio	Melbourne	Lateral Linking Broadcast Pty Ltd	96.9	11/06/2011	13/06/2011
Western Australia					
Radio	Perth	Palis Event Hire & Sales	106.5	07/08/2010	08/08/2010
Radio	Perth	2GHR Inc.	106.5	07/08/2010	08/08/2010
Radio	Perth	Sounddec Pty Ltd	61.2	30/10/2010	06/02/2011
Radio	Perth	Sounddec Pty Ltd	62.7	31/10/2010	06/02/2011
Radio	Fremantle	Western Australia 2011 Pty Ltd	88.9	16/11/2010	21/11/2010
Radio	Fremantle	Fremantle Sailing Club Inc.	89.1	11/12/2010	12/12/2010
Radio	Busselton	Murdoch University	94.9	01/01/2011	03/01/2011

# Appendix 5:

## Programs and content

**Table 58: Programs granted children's or preschool classification, 2010–11**

Program title	Style	Type	Origin	Applicant
<b>Children's—C</b>				
<i>All About Animals</i> (series 1, episodes S01E01–S01E08)	Live action	Light entertainment—Magazine	Australia	Deckchair Productions
<i>It's Academic</i> (series 13, IAC13/001–IAC13/065)	Live action	Light entertainment—Competition/Game show	Australia	Seven Network (Operations) Ltd
<i>It's Academic</i> (series 14, IAC14/001–IAC14/065)	Live action	Light entertainment—Competition/Game show	Australia	Seven Network (Operations) Ltd
<i>Kitchen Whiz</i> (series 1, episodes KW01/01–KW01/65)	Live action	Light entertainment—Competition/Game show	Australia	Ambience Entertainment Pty Ltd
<i>Kitchen Whiz</i> (series 2, episodes KW02/01–KW02/65)	Live action	Light entertainment—Competition/Game show	Australia	Ambience Entertainment Pty Ltd
<i>Pyramid</i> (series 3, episodes PYR03/66–PYR03/85)	Live action	Light entertainment—Competition/Game show	Australia	Ambience Entertainment Pty Ltd
<i>Pyramid</i> (series 4, episodes PYR04/1–PYR04/67)	Live action	Light entertainment—Competition/Game show	Australia	Ambience Entertainment Pty Ltd
<i>Scope</i> (series 1, episodes C/001–C180)	Live action	Light entertainment—Magazine	Australia	Network TEN Pty Ltd
<i>Spit It Out</i> (series 2, episodes 1–65)	Live action	Light entertainment—Competition/Game show	Australia	Seven Network (Operations) Ltd
<i>Totally Wild</i> (series 19, TW19/001–TW19/180)	Live action	Light entertainment—Magazine	Australia	Network TEN Pty Ltd
<b>Provisional—PRC</b>				
<i>Shezow</i> (series 1, episodes 1–52)	Animation	Drama—Series	Australia	Moody Street Kids Pty Ltd
<i>Camp Cassidy</i> (series 1, episodes 1–26)	Live action	Drama—Series	Australia	Westway Productions Pty Ltd
<i>Kitchen Whiz</i> (series 1, episodes KW01/01–KW01/65)	Live action	Light entertainment—Competition/Game show	Australia	Ambience Entertainment Pty Ltd
<i>The Woodlies</i> (series 1, episodes 101–126)	Animation	Drama—Series	Australia	Avrill Stark Entertainment Pty Ltd
<b>Preschool—P</b>				
<i>Hi-5</i> (series 12, episodes 1–45)	Live action/Animation/Puppetry	Light entertainment—Variety	Australia	Southern Star Productions No 3 Pty Ltd

<i>Magical Tales</i> (series 2, episodes EP001–EP046)	Live action	Drama—Series	Australia	Ambience Entertainment Pty Ltd
<i>The Workers</i> (series 1, episodes TW1–TW30)	Live action	Light entertainment—Variety	Australia	Southern Cross Media Australia Pty Ltd/Warner Music Australia
<i>Toybox</i> (series 1, episodes 1–75)	Live action	Light entertainment—Variety	Australia	Beyond Screen Productions Pty Ltd
<i>Toybox</i> (series 2, episodes 76–160)	Live action	Light entertainment—Variety	Australia	Beyond Screen Productions Pty Ltd
<i>Warrawhy</i> (series 1, episodes 1–130)	Live action	Light entertainment—Variety	Australia	Network TEN Pty Ltd
<i>Yamba's Playtime</i> ('Yamba's Christmas Surprise')	Live action	Light entertainment—Variety	Australia	Imparja Television Pty Ltd
<i>Yamba's Playtime</i> ('Yamba's Easter Adventure')	Live action	Light entertainment—Variety	Australia	Imparja Television Pty Ltd
<b>Provisional – PRP</b>				
<i>Wubblewoo</i> (series 1, WUBP/001–WUBP/130)	Live action	Light entertainment—Variety	Australia	Network TEN Pty Ltd
<b>Australian children's drama—CD</b>				
<i>Paradise Cafe</i> (series 2, episodes 1–13)	Live action	Drama—Series	New Zealand	The Gibson Group Ltd
<i>The Saddle Club</i> (series 1, episodes 1–26)	Live action	Drama—Series	Australia	WIN Corporation Pty Ltd
<i>Flea-Bitten!</i> (series 1, episodes 29–52)	Animation	Drama—Series	Australia	Fleabag Productions Pty Ltd
<i>Flea-Bitten!</i> (series 1, episodes 17–28)	Animation	Drama—Series	Australia	Fleabag Productions Pty Ltd
<i>The Woodlies</i> (series 1, episodes 14–26)	Animation	Drama—Series	Australia	The Woodlies Pty Ltd
<i>The Woodlies</i> (series 1, episodes 1–13)	Animation	Drama—Series	Australia	The Woodlies Pty Ltd
<i>Lightning Point</i> (series 1, episodes 14–26)	Live action	Drama—Series	Australia	Jonathan M Shiff Productions Pty Ltd
<i>Lightning Point</i> (series 1, episodes 1–13)	Live action	Drama—Series	Australia	Jonathan M Shiff Productions Pty Ltd
<i>Me &amp; My Monsters</i> (series 1, episodes 14–26)	Live action/ Puppetry	Drama—Series	Australia	Sticky Pictures Pty Ltd
<i>Me &amp; My Monsters</i> (series 1, episodes 1–13)	Live action/ Puppetry	Drama—Series	Australia	Sticky Pictures Pty Ltd
<i>Li'l Larikins</i> (series 1, episodes 1–7, 9, 12, 13, 15, 16, 18)	Animation	Drama—Series	Australia	Li'l Larikins Productions Pty Ltd
<i>The DaVincibles</i> (series 1, episodes 1–52)	Animation	Drama—Series	Australia	SLR Productions Pty Ltd

**Table 59: Children's television consultants, 2010–11**

<b>Name</b>	<b>Expertise</b>
Donna Andrews	Child development/Production
Dina Browne	Production
Robert Greenberg	Production/Script writer
Kym Goldsworthy	Production/Script writer
Stephen Measday	Production/Script writer
Fiona Mitchell	Child development
Rita Princi	Child development
Gina Roncoli	Production/Script writer

# Appendix 6:

## Broadcasting investigations outcomes 2010–11

Table 60: ACMA investigations 1 July 2010 to 30 June 2011

COMMERCIAL TELEVISION				
Breach findings: 37				
Station	Investigation number	Program	Substance of complaint	Outcome
ATN Channel Seven Sydney Pty Ltd NSW	2348	<i>Channel Seven News</i> 13/12/2009  <i>Sunrise</i> 14/12/2009	Inaccurate report that a boy had assaulted a woman.	<i>Channel Seven News</i> Breach—accuracy. Breach—remedy failure to comply.  <i>Sunrise</i> Breach—accuracy.
ATN Channel Seven Sydney Pty Ltd NSW	2480	Hogs Breath Café advertisement	Use of popular characters in an advertisement.	Breach—advertisement contained endorsement by popular personalities and proprietary character*.
NBN NBN Ltd NSW	2405	<i>2009 Wimbledon Tennis Championships</i>	Advertising of an interactive gambling service.	Breach—licence condition in the <i>Interactive Gambling Act 2001</i> *.
NBN NBN Ltd NSW	2470	<i>NBN Evening News</i> 24/06/2010	Lack of captioning.	Breach—captioning*.
NEN Prime Television (Northern) Pty Ltd NSW	2363	<i>Channel Seven News</i> 13/12/2009	Inaccurate report that a boy had assaulted a woman.	Breach—accuracy. Breach—remedy failure to comply.
TCN TCN Channel Nine Pty Ltd NSW	2401	<i>Nine News</i> 09/03/2010	Item about hotel incident logging was inaccurate and unfair.	Breach—accuracy. Breach—fairness and impartiality. Breach—correction of errors. No breach—accuracy. No breach—correction of errors.
TCN TCN Channel Nine Pty Ltd NSW	2405	<i>2009 Wimbledon Tennis Championships</i>	Advertising of an interactive gambling service.	Breach—licence condition in the <i>Interactive Gambling Act 2001</i> *.



TCN TCN Channel Nine Pty Ltd NSW	2436	<i>60 Minutes</i> 22/11/2009	Segment about piggeries contained inaccuracies and represented a viewpoint unfairly; licensee's response did not advise right to refer to the ACMA.	Breach—accuracy. Breach—complaints-handling. No breach—accuracy and representation of viewpoints. No breach—correction of errors. No breach—complaints-handling.
TCN TCN Channel Nine Pty Ltd NSW	2474	<i>A Current Affair</i> 28/07/2010	Lack of captioning.	Breach—captioning*.
TEN Network TEN (Sydney) Pty Ltd NSW	2406	<i>The Poker Star</i>	Advertising of an interactive gambling service.	Breach—licence condition in the <i>Interactive Gambling Act 2001</i> *.
ATV Network TEN (Melbourne) Pty Ltd Vic.	2406	<i>The Poker Star</i>	Advertising of an interactive gambling service.	Breach—licence condition in the <i>Interactive Gambling Act 2001</i> *.
ATV Ten Network (Melbourne) Pty Ltd Vic.	2434	<i>Ten News at Five</i> 01/04/2010	Fairness; accuracy; fair representation of viewpoints; gratuitous emphasis; and dislike, contempt or ridicule.	Breach—fairness. Breach—accuracy. No breach—fair representation of viewpoints. No breach—gratuitous emphasis. No breach—dislike, contempt or ridicule.
GTV (GO!) General Television Corporation Pty Ltd Vic.	2380	<i>Dante's Cove</i> 11/01/2010 and 12/10/2010	Inappropriate sex and nudity in program classified AV15+.	Breach—classification of other material (AV15+ sex and nudity).
GTV General Television Corporation Pty Ltd Vic.	2405	<i>2009 Wimbledon Tennis Championships</i>	Advertising of an interactive gambling service.	Breach—licence condition in the <i>Interactive Gambling Act 2001</i> *.
GTV General Television Corporation Pty Ltd Vic.	2416	<i>A Current Affair</i> 10/02/2010	False and misleading information about LED television screens; complaints-handling.	Breach—complaints-handling. No breach—accuracy. No breach—complaints-handling.
GTV General Television Corporation Pty Ltd Vic.	2468	<i>Channel Nine News</i> 28/03/2010	Incorrect reportage of attendance figures at sporting event.	Breach—accuracy. No breach—correction of errors.
GTV General Television Corporation Pty Ltd Vic.	2507	<i>A Current Affair</i> 28/03/2010	Response addressed only one of three broadcasts that were the subject of a complaint.	Breach—accuracy. No breach—correction of errors.

GTV General Television Corporation Pty Ltd Vic.	2526	Election advertisement 25/11/2010	Political advertisement broadcast during the 'relevant' period.	Breach—broadcasting an election advertisement during the 'relevant' period".
HSV Channel Seven Melbourne Pty Ltd Vic.	2427	<i>Personal Velocity</i> 21/02/2010	Inappropriate coarse language in film classified MA15+; no reply to complaint.	Breach—complaints-handling. No breach—classification of films.
HSV Channel Seven Melbourne Pty Ltd Vic.	2433	<i>Channel Seven News</i> 01/04/10	Fairness; accuracy; fair representation of viewpoints; gratuitous emphasis; and dislike, contempt or ridicule.	Breach—fairness. Breach—accuracy. No breach—dislike, contempt or ridicule. No breach—gratuitous emphasis. No breach—fair representation of viewpoints and accuracy.
BTQ Channel Seven Brisbane Pty Ltd Qld	2378, 2381, 2382, 2383 and 2384	Streets 'Paddle Pop Lick-a-Prize' advertisement	Alleged breaches of the Children's Television Standards 2005 and Children's Television Standards 2009.	Breach—repetition of advertisements during C-period*. No breach—no advertisements broadcast during P-periods*. No finding—premium offer*.
QTQ Queensland Television Ltd Qld	2371	<i>A Current Affair</i> 19/04/2005 and 04/11/2009	Incorrect statements, unlabelled re-enactments and inappropriate link to alleged child abusers in stories about child care centre; complaints-handling; no response to complaint.	<i>Broadcast of 19/04/2005</i> Breach—accuracy. No breach—accuracy and fair representation of viewpoints. No breach—misleading simulation. No breach—complaints- handling.  <i>Broadcast of 04/11/2009</i> Breach—misleading simulation. No breach—accuracy and fair representation of viewpoints. No breach—unfair identification. No breach—complaints- handling.
QTQ Queensland Television Ltd Qld	2405	<i>2009 Wimbledon Tennis Championships</i>	Advertising of an interactive gambling service.	Breach—licence condition in the <i>Interactive Gambling Act 2001</i> *.
QTQ Queensland Television Ltd Qld	2450	<i>60 Minutes</i> 25/04/2010	Inaccurate claims about the history of the Australian flag; no response to complaint.	Breach—accuracy. Breach—complaints-handling.
RTQ WIN Television Qld Pty Ltd Qld	2369	<i>WIN News</i> 08/07/2002 and 24/03/2005	Untrue information and private material broadcast in reports on child care centre; no advice on code process when complainant rang to complain.	<i>Broadcast of 24/03/2005</i> Breach—accuracy. No breach—fairness and impartiality. No breach—privacy.  <i>Broadcast of 08/07/2002</i> No breach—accuracy. No breach—complaints- handling.

RTQ WIN Television Qld Pty Ltd Qld	2457	<i>Australia's Funniest Home Videos</i> 03/04/2010	G-classified program contained depictions of violence; complaints-handling.	Breach—complaints-handling. No breach—classification of other material [G-violence].
TVQ Network TEN (Brisbane) Pty Ltd Qld	2379, 2385, 2386, 2387 and 2388	Streets 'Paddle Pop Lick-a-Prize' advertisement	Alleged breaches of the Children's Television Standards 2005.	Breach—repetition of advertisements during C-period*. No breach—no advertisements broadcast during P-periods*. No finding—premium offer*.
TVQ Network TEN (Brisbane) Pty Ltd Qld	2406	<i>The Poker Star</i>	Advertising of an interactive gambling service.	Breach—licence condition in the <i>Interactive Gambling Act 2001</i> *.
ADS Network TEN (Adelaide) Pty Ltd SA	2379, 2385, 2386, 2387 and 2388	Streets 'Paddle Pop Lick-a-Prize' advertisement	Alleged breaches of the Children's Television Standards 2005	Breach—repetition of advertisements during C-period*. No breach—no advertisements broadcast during P-periods*. No finding—premium offer*.
ADS Network TEN (Adelaide) Pty Ltd SA	2406	<i>The Poker Star</i>	Advertising of an interactive gambling service.	Breach—licence condition in the <i>Interactive Gambling Act 2001</i> *.
SAS Channel Seven Adelaide Pty Ltd SA	2472	<i>Channel Seven News</i> 18/07/2010	Tobacco advertising.	Breach—tobacco advertising*
NEW Network TEN (Perth) Pty Ltd WA	2379, 2385, 2386, 2387 and 2388	Streets 'Paddle Pop Lick-a-Prize' advertisement	Alleged breaches of the Children's Television Standards 2005	Breach—repetition of advertisements during C-period*. No breach—no advertisements broadcast during P-periods*. No finding—premium offer*.
NEW Network TEN (Perth) Pty Ltd WA	2406	<i>The Poker Star</i>	Advertising of an interactive gambling service.	Breach—licence condition in the <i>Interactive Gambling Act 2001</i> *.
STW Swan Television & Radio Broadcasters Pty Ltd WA	2346	<i>A Current Affair</i> 04/09/2009	Complaints-handling and accuracy.	Breach—complaints-handling. No breach—accuracy.
DTD Darwin Digital Television Pty Ltd NT	2405	<i>2009 Wimbledon Tennis Championships</i>	Advertising of an interactive gambling service.	Breach—licence condition in the <i>Interactive Gambling Act 2001</i> *.
NTD Territory Television Pty Ltd NT	2405	<i>2009 Wimbledon Tennis Championships</i>	Advertising of an interactive gambling service.	Breach—licence condition in the <i>Interactive Gambling Act 2001</i> *.

TVT WIN Television Tas Pty Ltd Tas.	2511	Various programs and dates	Lack of captioning.	Breach—captioning*.
<b>Non-breach findings: 59</b>				
ATN Channel Seven Sydney Pty Ltd NSW	2370	<i>Weekend Sunrise</i> 30/11/2008	False information about money available through philanthropist's credit card.	No breach—accuracy.
ATN Channel Seven Sydney Pty Ltd NSW	2373	<i>Channel Seven News</i> 31/01/2010	Vision of chimney stacks emitting steam portrayed as emitting smoke and contributing to climate change.	No breach—accuracy.
ATN Channel Seven Sydney Pty Ltd NSW	2378, 2381, 2382, 2383 and 2384	Streets 'Paddle Pop Lick-a-Prize' advertisement	Alleged breaches of the Children's Television Standards 2005 and Children's Television Standards 2009.	No breach—no repetition of advertisements during C-periods*. No breach—no advertisements broadcast during P-periods*. No finding—premium offer*.
ATN Channel Seven Sydney Pty Ltd NSW	2389	McDonalds Happy Meal 'Did you know?' advertisement	Premium in advertisement more than incidental to product, and advertisement repeated, in breach of the Children's Television Standards.	No breach—did not broadcast more than twice during 30 minutes of a C-period*. No breach—reference to premium was incidental*.
ATN Channel Seven Sydney Pty Ltd NSW	2399	<i>Today Tonight</i> 23/12/2009	Erroneous assertions about adult dating website; unfair identification of website with defamatory websites; no correction of errors.	No breach—accuracy. No breach—unfair identification. No breach—correction of errors.
ATN Channel Seven Sydney Pty Ltd NSW	2402	<i>Australian Open</i> 31/01/2010	Excessive advertisements from 7.00 pm to 7.38 pm.	No breach—average scheduling limit (non-program matter). No breach—hourly limits (non-program matter).
ATN Channel Seven Sydney Pty Ltd NSW	2410	<i>Sunday Night</i> 14/03/2010	Incorrect statements about status and nature of Scientology.	No breach—accuracy. No breach—dislike, contempt or ridicule on grounds of religion.
ATN Channel Seven Sydney Pty Ltd NSW	2419	<i>Airways</i> 14/03/2010	Ridicule of people of ethnic appearance.	No breach—dislike, contempt or ridicule against a group of persons on grounds of ethnic origin.
ATN Channel Seven Sydney Pty Ltd NSW	2425	<i>Today Tonight</i> 15/04/2010	Inappropriate sexual references and nudity in current affairs program.	No breach—exemption from classification of material broadcast for news and current affairs programming.
ATN Channel Seven Sydney Pty Ltd NSW	2431	<i>Channel Seven News</i> 20/05/2010	Invasion of privacy and homophobia in revelations of a politician's visit to a gay sex club.	No breach—privacy. No breach—dislike, contempt or ridicule on grounds of sexual preference.

ATN Channel Seven Sydney Pty Ltd NSW	2452	<i>Sunrise</i> 07/06/2010	Privacy; regard to the feelings of relatives and viewers when including images of dead or seriously wounded people.	No breach—appropriate regard when including images of dead or seriously wounded people. No breach—privacy.
ATN Channel Seven Sydney Pty Ltd NSW	2487	<i>Weekend Sunrise</i> 11/07/2010	Vilification of special needs children.	No breach—dislike, contempt or ridicule on grounds of disability.
ATN Channel Seven Sydney Pty Ltd NSW	2493	Non-program matter 16/06/2010	Excessive advertisements.	No breach—average scheduling limit (non-program matter 6 pm to midnight). No breach—average scheduling limit (non-program matter all other times). No breach—hourly limits (non-program matter 6 pm to midnight). No breach—hourly limits (non-program matter all other times).
ATN Channel Seven Sydney Pty Ltd NSW	2494	<i>Weekend Sunrise</i> 11/07/2010	Derogatory and demeaning comments and language used when referring to children with special needs.	No breach—dislike, contempt or ridicule on grounds of disability.
NBN NBN Ltd NSW	2519	<i>The Sunday Roast</i> 27/06/2010	Inappropriate language at the PG classification; no substantive response to complaint.	No breach—TV Classification Guidelines (PG—language). No breach—complaints-handling.
NBN NBN Ltd NSW	2565	<i>NBN News</i> 4/01/2011	Failure to exercise care in selecting material for broadcast and to give regard to likely audience when broadcasting in a G-time zone; no response to complaint.	No breach—classification of other material (exception for news, current affairs and broadcasts of sporting events). No breach—regard to the feelings of relatives and viewers when including images of dead or seriously wounded people. No breach—warning required when there is an identifiable public interest for broadcasting material that may seriously distress or offend. No breach—exercise sensitivity in broadcasting traumatic incidents. No breach—complaints-handling.
NEN Prime Television (Northern) Pty Ltd NSW	2420	<i>Airways</i> 14/03/2010	Ridicule of people of ethnic appearance.	No breach—dislike, contempt or ridicule on grounds of ethnic origin.
NRN Northern Rivers Television Pty Ltd NSW	2568	<i>Ten News at Five</i> 04/02/2011	Sports segment was biased.	No breach—fairness and impartiality.
TCN Channel Nine Pty Ltd NSW	2413	<i>XXI Winter Olympic Games</i> 17/02/2010	Ridicule of male figure skaters' sexual preference; contempt and ridicule for an athlete's religion; response did not address all relevant issues.	No breach—complaints-handling. No breach—dislike, contempt or ridicule on grounds of sexual preference.

TCN TCN Channel Nine Pty Ltd NSW	2428	<i>Underbelly—The Golden Mile</i> 16/05/2010	Lack of captioning.	No breach—captioning*.
TCN TCN Channel Nine Pty Ltd NSW	2437	<i>60 Minutes</i> 07/03/2010	Inaccuracies in segment about an aircraft crash; no response to complaint.	No breach—accuracy. No breach—complaints-handling.
TCN TCN Channel Nine Pty Ltd NSW	2444	<i>NRL Footy Show</i> 06/05/2010	Remarks broadcast ridiculed the autism community.	No breach—dislike, contempt or ridicule on grounds of disability.
TCN TCN Channel Nine Pty Ltd NSW	2486	<i>Nightline</i> 10/05/2010	Asylum seekers unfairly and inaccurately vilified; report likely to create public panic; no response to complaint.	No breach—fairness and impartiality. No breach—public panic. No breach—dislike, contempt or ridicule on grounds of national or ethnic origin. No breach—accuracy. No breach—complaints-handling.
TCN TCN Channel Nine Pty Ltd NSW	2492	<i>A Current Affair</i> 01/07/2010	Segment concerning the Church of Scientology contained inaccuracies and failed to represent viewpoints fairly.	No breach—accuracy. No breach—gratuitous emphasis. No breach—dislike, contempt, ridicule on grounds of religion.
TCN TCN Channel Nine Pty Ltd NSW	2495	<i>Australia's Funniest Home Videos</i> 03/04/2010	Complaints-handling.	No breach—complaints-handling.
TCN TCN Channel Nine Pty Ltd NSW	2496	<i>The Vampire Diaries</i> 13/09/2010	Lack of captioning.	No breach—captioning*.
TCN TCN Channel Nine Pty Ltd NSW	2513	<i>NRL Footy Show</i> 23/09/2010	Vilification of the disability community by using the term 'disadvantaged' for purposes of ridicule.	No breach—dislike, contempt or ridicule on grounds of disability.
TCN TCN Channel Nine Pty Ltd NSW	2518	<i>Australia's Funniest Home Videos</i> 07/08/2010	No substantive response to a valid complaint within 30 days of receipt of complaint.	No breach—complaints-handling.
TCN TCN Channel Nine Pty Ltd NSW	2529	<i>60 Minutes</i> 24/10/2010	Program contained nudity not suitable for broadcast in that timeslot.	No breach—exemptions from classification of material broadcast for news and current affairs; nudity contextually justified.
TEN Network Ten (Sydney) Pty Ltd NSW	2364	McDonalds Happy Meal 'Did you know?' advertisement	Premium in advertisement more than incidental to the product, and advertisement repeated, in breach of the Children's Television Standards.	No breach—did not broadcast during scheduled C- or P-period*.
TEN Network TEN (Sydney) Pty Ltd NSW	2379, 2385, 2386, 2387 and 2388	Streets 'Paddle Pop Lick-a-Prize' advertisement	Alleged breaches of the Children's Television Standards 2005.	No breach—no repetition of advertisements during C-periods*. No breach—no advertisements broadcast during P-periods*. No finding—premium offer*.

TEN Network Ten (Sydney) Pty Ltd NSW	2415	<i>Totally Wild</i> 10/05/2010	Broadcast demeaned a person or group based on gender.	No breach—did not demean person or group*.
TEN Network TEN (Sydney) Pty Ltd NSW	2514	<i>Offspring</i> 26/09/2010	M-classified program contained inappropriate sexual content and language.	No breach—TV Classification Guidelines (M—language, sex and nudity).
CTC Australian Capital Television Pty Ltd ACT	2533	<i>Junior MasterChef</i> 12/09/2010	Dislike, contempt or ridicule on grounds of national or ethnic origin.	No breach—dislike, contempt or ridicule on grounds of national or ethnic origin.
CTC Australian Capital Television Pty Ltd ACT	2445	<i>MasterChef</i> 14/06/2010	Inappropriate language in PG-classified program.	No breach—classification of other material (PG—language).
AMV Prime Television (Victoria) Pty Ltd Vic.	2498	<i>The Suspects: True Australian Killers</i> 21/07/2010	Misleading and alarming dramatisation of a kidnapping.	No breach—simulate news or events in such a way as to mislead or alarm viewers.
ATV Network TEN (Melbourne) Pty Ltd Vic.	2379, 2385, 2386, 2387 and 2388	Streets 'Paddle Pop Lick-a-Prize' advertisement	Alleged breaches of the Children's Television Standards 2005.	No breach—no repetition of advertisements during C-periods*. No breach—no advertisements broadcast during P-periods*. No binding—premium offer*.
ATV Network TEN (Melbourne) Pty Ltd Vic.	2482	<i>Ten News at Five</i> 14/07/2010	Incorrect reportage of domestic violence statistics.	No breach—accuracy. No breach—correction of errors. No breach—fairness and impartiality.
ATV Network TEN (Melbourne) Pty Ltd Vic.	2581	<i>Just for Laughs: Montreal Comedy Festival</i> 30/03/2011	Song vilified Pope, Catholic clergy and Catholics in general.	No breach—dislike, contempt or ridicule on grounds of religion.
GLV Southern Cross Communications Pty Ltd Vic.	2479	<i>Good News Week</i> 14/06/2010	Ridicule of Catholic clerics; derogatory jokes about women; lewd and sexually suggestive comments about homosexuality.	No breach—dislike, contempt or ridicule on grounds of religion, gender or sexual preference.
GTV General Television Corporation Pty Ltd Vic.	2475	<i>Footy Classified</i> 05/07/2010	Remarks about footballer demeaning to people with drug addiction who are trying to rehabilitate themselves.	No breach—dislike, contempt or ridicule on the grounds of disability.
HSV Channel Seven Melbourne Pty Ltd Vic.	2372	McDonalds Happy Meal 'Did you know?' advertisement	Premium in advertisement more than incidental to product, and advertisement was repeated, in breach of the Children's Television Standards.	No breach—did not broadcast during scheduled C- or P-period*.

HSV Channel Seven Melbourne Pty Ltd Vic.	2378, 2381, 2382, 2383 and 2384	Streets 'Paddle Pop Lick-a-Prize' advertisement	Alleged breaches of the Children's Television Standards 2005 and Children's Television Standards 2009.	No breach—no repetition of advertisements during C-periods*. No breach—no advertisements broadcast during P-periods*. No finding—premium offer*.
HSV Channel Seven Melbourne Pty Ltd Vic.	2490	<i>The Suspects: True Australian Killers</i> 21/07/2010	Misleading and alarming dramatisation of a kidnapping.	No breach—simulation of news or events.
QTQ Queensland Television Ltd Qld	2506	<i>NRL Footy Show</i> 23/09/2010	Derogatory comments in comedy segment about children with peanut allergies.	No breach—dislike, contempt or ridicule on the grounds of disability.
RTQ RTQ/WIN Corporation Qld	2585	<i>Australia's Funniest Home Videos</i> 06/11/2010	Inappropriate violence at the PG classification.	No breach—TV Classification Guidelines (PG—violence).
STQ Channel Seven Queensland Pty Ltd Qld	2438	<i>Mackay Local News</i> 25/03/2010	Contravention of Acts and laws by broadcasting the phrase 'Serving Mackay and the Whitsundays'.	No breach—not use broadcasting service in commission of offence*.
TNQ Regional Television Pty Ltd Qld	2441	<i>7PM Project</i> 23/05/2010	Misrepresentation of scientific position regarding passive smoking.	No breach—accuracy.
TNQ Regional Television Pty Ltd Qld	2476	<i>Good News Week</i> 14/06/2010	Inappropriate language and ridicule of religion in M-classified program.	No breach—classification of other material (M—language). No breach—proscribed material.
TVQ Network TEN (Brisbane) Pty Ltd Qld	2478	<i>7PM Project</i> 22/06/2010	Ridicule of Christianity; offensive material without warning.	No breach—dislike, contempt or ridicule on grounds of religion. No breach—material likely to distress or offend.
ADS Network Ten (Adelaide) Pty Ltd SA	2391	McDonalds Happy Meal 'Did you know?' advertisement	Premium in advertisement more than incidental to product, and advertisement was repeated, in breach of the Children's Television Standards.	No breach—did not broadcast during scheduled C- or P-period*.
NWS Channel Nine South Australia Pty Ltd SA	2501	<i>Cops LAC</i> 16/09/2010	M-classified program contained inappropriate depictions of violence and suicide.	No breach—TV Classification Guidelines (M—violence, suicide).
NWS Channel Nine South Australia Pty Ltd SA	2517	<i>Australia's Funniest Home Videos</i> 07/08/2010	PG-classified program contained inappropriate violence.	No breach—classification of other material (PG—violence).
SAS Channel Seven Adelaide Pty Ltd SA	2378, 2381, 2382, 2383 and 2384	Streets 'Paddle Pop Lick-a-Prize' advertisement	Alleged breaches of the Children's Television Standards 2005 and Children's Television Standards 2009.	No breach—no repetition of advertisements during C-periods*. No breach—no advertisements broadcast during P-periods*. No finding—premium offer*.



SAS Channel Seven Adelaide Pty Ltd SA	2390	McDonalds Happy Meal 'Did you know?' advertisement	Premium in advertisement more than incidental to product, and advertisement was repeated, in breach of the Children's Television Standards.	No breach—did not broadcast more than twice during 30 minutes of a C-period*. No breach—reference to premium was incidental*.
SAS Channel Seven Adelaide Pty Ltd SA	2471	<i>Today Tonight</i> 22/03/2010	Privacy and accuracy.	No breach—privacy. No breach—accuracy. No breach—accuracy—program promotion.
STW WIN Television (WA) Pty Ltd WA	2443	<i>Channel Nine News</i> 15/04/2010	Privacy.	No breach—privacy.
STW Swan Television & Radio Broadcasters Pty Ltd WA	2508	<i>A Current Affair</i> 11/08/2010 and 19/08/2010	Dislike, contempt or ridicule on grounds of religion.	No breach—dislike, contempt or ridicule on grounds of religion.
TVW Channel Seven Perth Pty Ltd WA	2378, 2381, 2382, 2383 and 2384	Streets 'Paddle Pop Lick-a-Prize' advertisement	Alleged breaches of the Children's Television Standards 2005 and Children's Television Standards 2009.	No breach—no repetition of advertisements during C-periods*. No breach—no advertisements broadcast during P-periods*. No finding—premium offer*.

\*Investigation against a licence condition or standard.

## ABC TELEVISION

### Breach findings: 6

Station	Investigation number	Program	Substance of complaint	Outcome
ABN ABC Television NSW	2429	<i>The 7.30 Report</i> 23/06/2009 and 15/12/2009	Inaccuracies, bias and imbalance in segment; late response to complaint.	Breach—accuracy. Breach—balance. Breach—complaints-handling. No breach—accuracy. No breach—correction of significant errors. No breach—impartiality.
ABQ ABC Television Qld	2541	<i>Foreign Correspondent</i> 09/02/2010	Inaccuracies in story about Sri Lankan Tamil situation; late response to complaint.	Breach—complaints-handling. No breach—accuracy.
ABS ABC Television SA	2409	<i>The Proposition</i> 10/01/2010	Inappropriate violence, themes and language in M-classified film.	Breach—television program classifications (M—violence).
ABS ABC Television SA	2520	<i>Waking the Dead</i> 17/09/2010	Inappropriate depictions of violence at the M classification.	Breach—television program classifications (M—violence).
ABS ABC Television SA	2525	<i>Spooks</i> 27/07/2009	Inappropriate depictions of violence at the M classification.	Breach—television program classifications (M—violence).

ABC 2 ABC Television SA	2535	<i>Criminal Justice</i> 31/08/2010, 07/09/2010, 14/09/2010, 28/09/2010	Inappropriate depictions of violence, sex, drug use and themes at the M classification; providing incorrect consumer advice; failing to provide substantive response to complaint within 60 days.	Breach—television program classifications (M—audio and visual consumer advice) (one episode). No breach—television program classifications (M—audio and visual consumer advice) (one episode). Breach—complaints-handling. No breach—television program classifications (M—violence, nudity, drug use and themes) (four episodes).
Non-breach findings: 16				
ABC ABC Television ACT	2538	<i>ABC News</i> 10/10/2010	Negative description of the Leader of the Opposition's visit to Afghanistan.	No breach—impartiality. No breach—complaints-handling.
ABC2 ABC Television NSW	2473	<i>Deadwood</i> 03/08/2010	Inappropriate language in program classified MA15+.	No breach—television program classifications (MA—language).
ABC2 ABC Television Qld	2403	<i>ABC 2 News Breakfast</i> 15/01/2010 and 19/01/2010  <i>Lateline</i> 02/02/2010	Pro-Liberal Party bias.	<i>ABC 2 News Breakfast</i> No breach—impartiality.  <i>Lateline</i> No breach—impartiality.
ABN ABC Television NSW	2455	<i>The Gruen Transfer</i> 14/07/2010	Inappropriate sexual references in M-classified program.	No breach—classification of television programming (M—sex).
ABN ABC Television NSW	2572	<i>ABC News Breakfast</i> 25/01/2011	Bias in report of pro-life rally in the US.	No breach—impartiality.
ABQ ABC TV Qld	2481	<i>Armstrong and Miller Show</i> 24/06/2010	Sexist humour in sketch about a doctor in Africa.	No breach—discrimination and stereotyping.
ABQ ABC TV Qld	2489	<i>ABC News</i> 05/08/2010	Program contained inappropriate sexual material.	No breach—general content codes (sex and sexuality).
ABV ABC TV Vic.	2442	<i>Unfed</i> 13/06/2010	Objectification of women in presentation of dancers.	No breach—discrimination and stereotyping.
ABV ABC TV Vic.	2483	<i>Stateline (Victoria)</i> 19/03/2010	Privacy of children invaded in playground footage.	No breach—privacy.
ABV ABC Television Vic.	2499	<i>Star Stories</i> 29/09/2010	Religious prejudice and gratuitous offence in skit about celebrity Scientologists.	No breach—discrimination and stereotypes.
ABV ABC Television Vic.	2539	<i>The 7.30 Report</i> 30/06/2009, 26/08/2009 and 19/11/2009	Inaccurate references to 'hidden' commissions in segments about financial planning.	No breach—accuracy.
ABS ABC Television SA	2521	<i>Kevin McCloud's Grand Tour</i> 09/02/2010	Inappropriate sexual references at the G classification.	No breach—television program classification (G—sexual activity).

ABS ABC Television SA	2522	<i>Criminal Justice</i> 15/08/2010	Inappropriate depictions of violence at the M classification.	No breach—television program classification (M—violence).
ABS ABC Television SA	2523	<i>Criminal Justice</i> 22/08/2010	Inappropriate depictions of violence at the M classification.	No breach—television program classification (M—violence).
ABS ABC Television SA	2524	<i>Spooks</i> 20/07/2009	Inappropriate depictions of violence at the M classification.	No breach—television program classifications (M—violence).
ABC ABC Television NT	2534	<i>Last Chance to See</i> 31/10/2010	Inappropriate language at the G classification.	No breach—television program classification (G—language).

#### SBS TELEVISION

Breach findings: 0

Non-breach findings: 6

SBS TV	2447	<i>Man vs Wild</i> 24/05/2010	Inappropriate themes in PG-classified program.	No breach—classification categories (PG—themes).
SBS TV	2448	<i>Man vs Wild</i> 28/06/2010	Inappropriate themes in PG-classified program.	No breach—classification categories (PG—themes).
SBS TV	2456	<i>Sweet Mud</i> 05/03/2010	Inappropriate depiction of sexual material in film classified MA15+.	No breach—classification categories (MA15+—sex).
SBS TV	2484	<i>Man vs Wild</i> 10/05/2010	Inappropriate themes in PG-classified program.	No breach—classification categories (PG—themes).
SBS TV	2505	<i>Man vs Wild</i> 26/07/2010, 23/08/2010, 30/08/2010, 06/09/2010, 13/09/2010 and 20/09/2010	Program content offensive and inappropriately broadcast during PG-time zone.	No breach—classification categories (PG—themes).
SBS TV	2537	Promotion for SBS film 29/10/2010	Program promotion disrespectful to the Christian faith and offensive to Christians.	No breach—prejudice, racism and discrimination. No breach—religious programs.

#### COMMUNITY TELEVISION

Breach findings: 1

Station	Investigation number	Program	Substance of complaint	Outcome
TVS Television Sydney (TVS) Ltd NSW	2557	<i>4WD TV</i> Identification of certain political matter	Political advertisement for Outdoor Recreation Party (ORP) broadcast without relevant authorisation statement.	Breach—identification of certain political matter*.
Non-breach findings: 0				

## SUBSCRIPTION BROADCASTING TELEVISION

### Breach findings: 1

Station	Investigation number	Program	Substance of complaint	Outcome
Comedy Channel Austar	2570	<i>South Park</i> 30/01/2011	Depictions of sexual activity could not be accommodated at the M classification.	Breach—classification of programming (M—sexual activity).

### Non-breach findings: 1

Lifestyle YOU Austar	2578	<i>Trinny and Susannah's Australian Makeover Mission</i> 11/04/2011	Inappropriate language at the PG classification.	No breach—classification of programming (PG—language).
----------------------	------	--	--	--

## SUBSCRIPTION NARROWCAST TELEVISION

### Breach findings: 1

Station	Investigation number	Program	Substance of complaint	Outcome
KidsCo. Foxtel	2515	<i>Turandot</i> 21/08/2010	Inappropriate violence and themes at the G classification.	Breach—classification of programming (G—themes, violence).

### Non-breach findings: 1

MAX Foxtel	2576	'Beyond Here Lies Nothing' music clip on pay TV 08/02/2011	Depictions of violence and themes cannot be accommodated at the MA15+ classification.	No breach—classification of programming (MA15+—violence, themes).
------------	------	---	---	---

## OPEN NARROWCAST TELEVISION

### Breach findings: 2

Station	Investigation number	Program	Substance of complaint	Outcome
Al-Manar Television	2413**	<i>With the Viewers</i> 15/11/2009	Breach of Open Narrowcast Television Codes of Practice 2009 and Broadcasting Services (Anti-terrorism Requirements for Open Narrowcasting Television Services) Standard 2008.	<i>With the Viewers</i> Breach—present fair news and current affairs programs.
		<i>With the Event</i> 28/02/2009		<i>With the Event</i> Breach—likely to gratuitously vilify a group on the basis of ethnicity and religion.  No breach of the Anti-terrorism Standard*.
WTV West TV Ltd WA (Community television trial service)	2542	<i>Felicity</i> 22/10/2010	Sexual content of film and its classification; failure to respond to complaint.	Breach—complaints-handling. Breach—program classification. No finding—classification and placement of programming.

### Non-breach findings: 0

\*Investigation against licence condition/standard.

\*\*Section 170 of the BSA gives the ACMA power to conduct investigations for purposes of the performance or exercise of any of its broadcasting, content and datacasting functions.

COMMERCIAL RADIO				
Breach findings: 7				
Station	Investigation number	Program	Substance of complaint	Outcome
2GB Sydney Harbour Radio Pty Ltd NSW	2424	<i>The Ray Hadley Morning Show</i> 26/02/2010	Disclosure of commercial agreements and distinguishing ads from other program content.	Breach—Disclosure Standard*. No breach—Advertising Standard*.
2GF 2GF AM Radio Pty Ltd NSW	2365	<i>Bigger, Brighter, Brekky Show with Richie Williamson</i>	Disclosure of commercial agreements.	Breach—Disclosure Standard*.
3GG Warragul Resonate Broadcasting Pty Ltd Vic.	2458	Various 14/03/2010 to 20/03/2010	Compliance with the minimum service standards for local news and information.	Breach—minimum service standards for local news*.
4BC Radio 4BC Brisbane Pty Ltd Qld	2422	Advertising material	Disclosure of commercial agreements.	Breach—Disclosure Standard*.
4HI Emerald Radio 4HI Pty Ltd Qld	2459	Various 14/03/2010 to 20/03/2010	Compliance with the minimum service standards for local news and information.	Breach—minimum service standards for local news*.
5RM Riverland 5AU Broadcasters Pty Ltd SA	2462	Various 14/03/2010 to 20/03/2010	Compliance with the minimum service standards for local news and information.	Breach—minimum service standards for local news*.
6PR Radio 6PR Perth Pty Ltd WA	2422	<i>Mornings with Simon Beaumont</i> 05/03/2010	Disclosure of commercial agreements and distinguishing ads from other program content.	Breach—Disclosure Standard*. No breach—Advertising Standard*.
Non-breach findings: 19				
2CC Radio Canberra Pty Ltd ACT	2566	Political advertisement 14/03/2011	Political advertisement broadcast without authorisation details.	No breach—identification of certain political matter*.
2CSF Commercial Radio Coffs Harbour Pty Ltd NSW	2463	Various 14/03/2010 to 20/03/2010	Compliance with the minimum service standards for local news and information.	No breach—minimum service standards for local news and information*.
2GB Sydney Harbour Radio Pty Ltd NSW	2503	<i>Alan Jones Show</i> 29/10/2009	Comments about Muslims forming an enclave were racist, incited hatred and denigrated Muslim Australians.	No breach—hatred or vilification.
2SYD Nova 96.9 Pty Ltd NSW	2418	<i>Launchpad with Maz and Kerley</i> 17/11/2009	Jokes about shooting parking rangers were in poor taste and incited violence against rangers; inadequate advice about right to refer to the ACMA.	No breach—incite violence or brutality. No breach—contemporary standards of decency.

2SYD Nova 96.9 Pty Ltd NSW	2439	<i>Harlee McLeod</i> 17/03/2010	Joke told by announcer was insulting, offensive and condescending to Irish people and Catholics.	No breach—incite or perpetuate hatred or vilify on grounds of nationality or religion.
2DAY Today FM Sydney Pty Ltd NSW	2491	<i>The Kyle and Jackie O Hour of Power</i> 02/08/2010	Vulgar anatomical reference.	No breach—generally accepted standards of decency.
2UE Radio 2UE Sydney Pty Ltd NSW	2422	<i>Sports Today</i> 05/03/2010	Distinguishing ads from other program content.	No breach—Advertising Standard*.
2UE Radio 2UE Sydney Pty Ltd NSW	2435	<i>2UE Drive</i> 05/05/2010	Racist comments about asylum seekers.	No breach—hatred, contempt or ridicule on grounds of ethnicity or nationality.
3AK Victorian Radio Network Pty Ltd Vic.	2477	<i>Hungry for Sport</i> 26/04/2010 and 27/04/2010	Regular program contributor failed to disclose commercial interests.	No breach—Disclosure Standard*.
3AW Radio 3AW Melbourne Pty Ltd Vic.	2422	<i>Sports Today</i> 04/03/2010	Disclosure of commercial agreements and distinguishing ads from other program content.	No breach—Disclosure Standard*. No breach—Advertising Standard*.
3FOX Austereo Pty Ltd Vic.	2430	<i>Hot 30 Countdown</i> 28/04/2010	Segment about posing for adult magazine was disgusting, broadcast at an inappropriate time slot, and encouraged exploitation and harassment of women.	No breach—hatred, contempt or ridicule on grounds of gender. No breach—contemporary standards of decency.
3FOX Austereo Group Ltd Vic.	2502	<i>The Mat and Jo Breakfast Show</i> 01/10/2010	Competition segment ridiculed same-sex behaviour.	No breach—hatred, contempt or ridicule on grounds of sexual preference.
3FOX Austereo Pty Ltd Vic.	2516	<i>Hot 30 Countdown</i> 06/10/2010	Inappropriate language in song lyrics; inadequate consideration of complaint by licensee.	No breach—generally accepted standards of decency. No breach—complaints-handling.
3MEL Nova 100 Pty Ltd Vic.	2555	<i>Hughesy &amp; Kate</i> 20/12/2010	Generally accepted standards of decency.	No breach—generally accepted standards of decency.
3RBA Radio Ballarat Pty Ltd Vic.	2500	<i>3BA Local News</i> 19/08/2010, 20/08/2010 and 21/08/2010	Election advertisement broadcast during blackout period.	No breach—election advertisement*.
3TTT Double T Radio Pty Ltd Vic.	2512	<i>Mix Mornings with Brig &amp; Lehmo</i> 28/10/2010	Indecent sexual reference.	No breach—generally accepted standards of decency.
6PER DMG Radio (Perth) Pty Ltd WA	2552	<i>Ryan, Monty and Wippa</i> 11/11/2010	Graphic descriptions of a sexual nature.	No breach—generally accepted standards of decency.

6RED Karratha North West Radio Pty Ltd WA	2461	Various 14/03/2010 to 20/03/2010	Compliance with the minimum service standards for local news and information.	No breach—minimum service standards for local news and information*.
7XXX Hobart Great Southern Land Broadcasters Pty Ltd Tas.	2460	Various 14/03/2010 to 20/03/2010	Compliance with the minimum service standards for local news and information.	No breach—minimum service standards for local news and information*.

*\*Investigation against licence condition/standard/BSA.*

#### ABC RADIO

Breach findings: 0

Non-breach findings: 3

2RN ABC Radio NSW	2446	<i>PM</i> 07/10/2009	Biased reporting of benefits of mammography screening.	No breach—impartiality. No breach—balance.
2RN ABC Radio NSW	2530	<i>The Science Show</i> 02/10/2010	Bias and prejudice in segment about climate change.	No breach—diversity of perspectives.
3LO ABC Radio Vic.	2554	<i>Saturdays</i> 08/01/2011	Insulting comparison of Irish people with Irish terriers.	No breach—discrimination and stereotypes.

#### SBS RADIO

Breach findings: 0

Non-breach findings: 0

#### COMMUNITY RADIO

Breach findings: 14

Station	Investigation number	Program/Issue	Substance of complaint	Outcome
2000 Multicultural Community Radio Association Ltd NSW	2453	<i>Darpan</i> 25/07/2010	Untagged sponsorship announcements broadcast during the <i>Darpan</i> Hindi program.	Breach—advertising*.
2CHY Community Media CHY Ltd NSW	2440	<i>The Switch</i> 23/06/2010	Two advertisements broadcast during <i>The Switch</i> program.	Breach—advertising*.
2GLF Liverpool- Fairfield Community Radio Co-operative Ltd NSW	2532	Advertising 05/09/1010	Broadcast advertisements; complaints-handling.	Breach—advertising*. Breach—complaints-handling.

2RRR Ryde Regional Radio Cooperative Ltd NSW	2449	<i>Mahek</i> 18/07/2010	Untagged sponsorship announcement broadcast during the Hindi language program <i>Mahek</i> .	Breach—advertising*.
2RSR Radio Skid Row Ltd NSW	2426	<i>Radio Najarama</i> 30/05/2010	Three advertisements broadcast during the <i>Radio Najarama</i> .	Breach—advertising*.
2WKT Highland Media Co-operative Ltd NSW	2421	<i>Musical Allsorts</i> 30/03/2010  <i>Tuesday News Magazine</i> 16/03/2010	Advertisement was broadcast during the <i>Musical Allsorts</i> program; comments derogatory to Aboriginal people broadcast during the <i>Tuesday News Magazine</i> program; complaints-handling.	Breach—maintain copy of broadcast*. Breach—use of appropriate language in Indigenous programs. Breach—complaints-handling.
3ECB Eastern Community Broadcasters Inc. Vic.	2550	Present factual material accurately; distinguish clearly factual material from commentary; complaints-handling	Did not present factual material accurately or distinguish clearly factual material from commentary; complaints-handling.	Breach—complaints-handling. No finding—factual accuracy and distinguishing factual material from commentary.
3WPR Wangaratta Community Radio Association Inc. Vic.	2543	Availability of policies and procedures; complaints-handling.	Availability of policies and procedures; complaints-handling.	Breach—policies and procedures that enable community participation. Breach—volunteer policy. Breach—all policy documents will be freely available. Breach—resolving complaints. Breach—complaints-handling. No breach—principles of diversity and independence. No breach—complaints-handling.
4AAA Brisbane Indigenous Media Association Inc. Qld	2432	Complying with codes	Did not respond to complaint.	Breach—complaints-handling.
4BI Brisbane Interactive Radio Group Inc. Qld	2509	Represent community interest	Not representing the community interest.	Breach—represent community interest*.
4CCR Cairns Community Broadcasters Inc. Qld	2350	Encourage participation	Policies restrict membership and limit opportunities for members of the Cairns community to participate in the operations of the service.	Breach—encourage participation*.
4CCR Cairns Community Broadcasters Inc. Qld	2488	Complying with codes	Policies and procedures not provided; complaints-handling.	Breach—availability of policy documents. Breach—complaints-handling. No finding—complaints-handling.
4DDB Darling Downs Broadcasting Society Inc. Qld	2504	Advertising 18, 23 & 24 September and 9 October 2010	Untagged sponsorship announcements broadcast.	Breach—advertising*.



6SON Good News Broadcasters Inc. WA	2334	Encourage participation; represent community interest; remain a suitable licensee	Providing inaccurate information to the ACMA in 2006 licence renewal application; not encouraging participation in the operations of the service or the selection and provision of programs; not representing the community interest.	Breach—encourage participation*. No breach—remain suitable*. No breach—represent community interest*.
<b>Non-breach findings: 5</b>				
2CCR Cumberland Community Radio Inc. NSW	2564	<i>Between the Sheets</i> 13/01/2011	Vulgar and sexually inappropriate content; presentation of harmful substances as desirable; vilification of persons based on their race and sexuality; complaints-handling.	No finding—cannot present use of harmful substances as desirable. No finding—cannot demean, incite, perpetuate hatred, stereotype or vilify. No finding—complaints-handling.
2WKT Highland Media Co-operative Ltd NSW	2485	Complying with codes; encouraging participation	Attempting to censor a presenter; program incited racial vilification and hatred; not encouraging members of the community to participate in the operations of the service.	No breach—censorship. No breach—vilification. No breach—encourage participation*.
3HHH Horsham and District Community FM Radio Inc. Vic.	2469	Encourage participation	Not encouraging community participation in the operations of the service and in the selection and provision of programming.	No breach—encourage participation*.
5GFM Peninsula Community Broadcasters Inc. SA	2551	Community participation; represent community interest; records of matter broadcast	Not encouraging the community to participate in the operations of the service; not representing the community interest; not logging programs.	No breach—records of matter broadcast*. No breach—represent community interest*. No breach—encourage participation*.
6KCR Kalamunda Community Radio Inc. WA	2321	Encourage participation; represent community interest	Not encouraging community participation in the operations of the service; no longer representing the community interest.	No breach—represent community interest*. No breach—encourage participation*.
<i>*Investigation against licence condition/standard.</i>				

## TEMPORARY COMMUNITY RADIO

### Breach findings: 2

Station	Investigation number	Program	Substance of complaint	Outcome
Bankstown and Surrounding Areas Community Radio Inc. NSW	2454	Represent community interest; encourage participation	Not continuing to represent the community interest; not encouraging members of the community to participate in the selection and provision of programs. <sup>1</sup>	Breach—represent community interest*. Breach—encourage participation*.
Melbourne Jewish Radio Inc. Vic.	2571	Represent community interest; encourage participation	Not continuing to represent the community interest; not encouraging members of community to participate in the operations of the service, and the selection and provision of programs.	Breach—represent community interest*. Breach—encourage participation*. No breach—records of matter broadcast*.

<sup>1</sup> Complainant 3 also submitted that the licensee was breaching other licence conditions; however, the concerns relate specifically to clauses 9(2)(b) and 9(2)(c)(ii) and only compliance with these provisions has been considered.

Non-breach findings: 1				
Consortium of Australian Media Services Inc. NSW	2586	Encourage participation	Not encouraging members of community to participate in selection and provision of programs.	No breach—encourage participation*.
<i>*Investigation against licence condition/standard.</i>				

OPEN NARROWCAST RADIO				
Breach findings: 0				
Non-breach findings: 1				
Territory FM 98.7 Wiseguy Pty Ltd NT	2407	Category of service	Not providing a narrowcast service.	No breach—providing an open narrowcast service*.
<i>*Investigation against licence condition/standard.</i>				

# Appendix 7:

## Freedom of information

### Statement under the *Freedom of Information Act 1982*

---

The *Freedom of Information Act 1982* creates a right to access certain documents in the possession of Commonwealth Government agencies. On 1 May 2011, section 8 of the Freedom of Information Act was repealed. Prior to 1 May 2011, section 8 of the Act required each agency subject to the Act to publish details of its nature and functions including its powers, kinds of decisions made, arrangements for public involvement in its work and how members of the public can obtain access to documents under the Act.

From 1 May 2011, agencies are now required to publish information to the public in accordance with Part II of the Act. One of the obligations imposed is for agencies to make available on their websites an Agency Plan showing what information is published in accordance with the information publication scheme requirement.

The ACMA Agency Plan is published on the ACMA website at [www.acma.gov.au](http://www.acma.gov.au). This plan outlines how the ACMA proposes to comply with the new Part II of the Act, and includes information on how to access information published by the ACMA in compliance with subsection 8(2) of the Act.

This appendix supplements information published in the body of the report for the period 1 July 2010 to 1 May 2011 under the former section 8 of the Act.

### The ACMA's FOI processes

---

A person is entitled to request access to documents held by the ACMA—including documents previously held by the Australian Broadcasting Authority (ABA) and the Australian Communications Authority (ACA)—under the Freedom of Information Act. For further details on how to make a freedom of information (FOI) application, please visit the ACMA website.

Correspondence on FOI matters (including FOI applications) should be directed to:

The Freedom of Information Coordinator  
Australian Communications and Media  
Authority  
PO Box 13112 Law Courts  
Melbourne VIC 8010

T: 03 9963 6800  
Email: [foi@acma.gov.au](mailto:foi@acma.gov.au)

The Chair of the ACMA has powers to grant or refuse access to documents held by the ACMA and to impose charges for processing an FOI application. The Chair has authorised certain officers in the agency to exercise these powers under arrangements made under sections 23 and 10A of the Act.

The ACMA usually gives access by providing photocopies or emailed scans of the original records. It may be possible to arrange for personal inspection of records, or computer terminal access to some records, at the ACMA's offices.

If the documents sought are publicly available, it is not necessary to make an FOI request. The ACMA makes a large amount of information available free of charge (see over).

## Documents accessible through FOI processes

Records are held by the ACMA in various forms, including paper files, audiovisual recordings and computer media. Files are maintained on topics relating to the functions of the ACMA and are managed by the ACMA's Information Management Section.

The types of documents held by the ACMA include:

- > brochures, bulletins and information papers
- > correspondence
- > field staff guidelines
- > financial records and reports
- > legal instruments
- > mailing lists
- > ministerial briefing papers
- > policy advice
- > research and discussion papers
- > submissions to committees
- > technical journals
- > technical operating instructions
- > workplace agreements
- > working party reports
- > records on staffing and other human resources activities.

The ACMA also holds in archives a variety of documents that were produced by its predecessors (the ABA, the ACA, the Australian Broadcasting Tribunal, AUSTEL and the Spectrum Management Agency). However, documents produced by the former Competition Branch of AUSTEL are held by the ACCC.

Various registers were maintained by AUSTEL, the ABA and the ACA. Those registers are now held by the ACMA or the ACCC, including registers that are no longer maintained.

## Documents accessible through other means

The ACMA has a number of documents that are available free of charge. They include brochures, bulletins, discussion papers and reports, and technical information papers. The ACMA also produces CD-ROMs of technical and licensing information that are available to the public. Most ACMA publications are available online at [www.acma.gov.au](http://www.acma.gov.au) with printed copies available on request.

The ACMA has a form that should be used to request a printed copy or to make a purchase. This form is also available on the ACMA website. Requests for copies of any publication can be made by email to [candinfo@acma.gov.au](mailto:candinfo@acma.gov.au) or telephone on (03) 9963 6968.

Legislative instruments made by the ACMA are available on the Federal Register of Legislative Instruments at [www.comlaw.gov.au](http://www.comlaw.gov.au).

## Organisation, functions and decision-making

The ACMA has a range of decision-making powers that may affect members of the public. A detailed description of the ACMA's structure, functions, and roles and responsibilities is outlined in earlier parts of this report. The powers are exercised in accordance with the Acts specified in Appendix 8 of this report, and under regulations or other instruments made under those Acts.

## The ACMA's arrangements for public involvement in its work

The ACMA makes arrangements for bodies or persons outside of the Commonwealth to contribute views on its formulation of policy and on the administration of its functions. The ACMA consults extensively with representatives of industry, consumers, government and academia, often through a range of committees including:

- > Radiocommunications Consultative Committee
- > Consumer Consultative Forum
- > Technical Advisory Group
- > Emergency Call Service Advisory Committee
- > Australian ENUM Discussion Group
- > National Relay Service Customer Consultative Committee
- > Numbering Advisory Committee.

Further details on these committees and the ACMA's work can be found on the ACMA website.

# Appendix 8:

## Legislation

The ACMA performed its principal roles, responsibilities and obligations under the following legislation administered by the Department of Broadband, Communications and the Digital Economy and the Attorney-General's Department:<sup>1</sup>

Acts	Act number	Date of assent	Date of commencement
<i>Australian Broadcasting Corporation Act 1983</i>	6 of 1983	1 June 1983	Part I (ss. 1–4), ss. 7, 9–24, 34, 69 and 83: Royal Assent Remainder: 1 July 1983 (see Gazette 1983, No. S124)
<i>Australian Communications and Media Authority Act 2005</i>	44 of 2005	1 April 2005	Ss. 3–68: 1 July 2005 Remainder: Royal Assent
<i>Broadcasting Services Act 1992</i>	110 of 1992	14 July 1992	Ss. 4, 5, 7–92 and 117–218: 5 Oct 1992 (see Gazette 1992, No. GN38) Remainder: Royal Assent
<i>Competition and Consumer Act 2010</i> (formerly the <i>Trade Practices Act 1974</i> ), Parts XIB and XIC	51 of 1974	24 August 1974	Ss. 1 and 2: Royal Assent S. 55: 27 Sept 1975 (see Gazette 1975, No. S178) Remainder: 1 Oct 1974 (see Gazette 1974, No. 75B)
<i>Datacasting Charge (Imposition) Act 1998</i>	98 of 1998	27 July 1998	27 July 2008
<i>Datacasting Transmitter Licence Fees Act 2006</i>	154 of 2006	8 December 2006	1 January 2007
<i>Do Not Call Register Act 2006</i>	88 of 2006	30 June 2006	Parts 2, 4–5, ss 39–40 and 42–45, Schedules 1–3: 31 May 2007 (see F2007L01114) Remainder: Royal Assent
<i>Interactive Gambling Act 2001</i>	84 of 2001	11 July 2001	Ss. 15, 15A, 61AA–61FE: 8 Aug 2001 Ss. 16–31, 42, 43, 48, 49, 54–59: 12 Jan 2002 Remainder: Royal Assent
<i>NRS Levy Imposition Act 1998</i>	3 of 1998	26 March 1998	26 March 1998
<i>Radiocommunications Act 1992</i>	174 of 1992	11 December 1992	1 July 1993
<i>Radiocommunications (Receiver Licence Tax) Act 1983</i>	132 of 1983	22 December 1983	20 Aug 1985 (see Gazette 1985, No. S322)
<i>Radiocommunications (Spectrum Licence Tax) Act 1997</i>	144 of 1997	9 October 1997	9 October 1997
<i>Radiocommunications Taxes Collection Act 1983</i>	133 of 1983	22 December 1983	20 Aug 1985 (see Gazette 1985, No. S322)

<sup>1</sup> The administration of Acts is determined by the Administrative Arrangements Order; see [www.comlaw.gov.au](http://www.comlaw.gov.au) C2010Q00232.

<i>Radiocommunications (Transmitter Licence Tax) Act 1983</i>	137 of 1983	22 December 1983	20 Aug 1985 (see Gazette 1985, S322)
<i>Radio Licence Fees Act 1964</i>	119 of 1964	24 November 1964	24 Nov 1964
<i>Spam Act 2003</i>	129 of 2003	12 December 2003	ss.1–14, 42, 47 and Schedule 2: 12 Dec 2003; Parts 2–6, s. 41, 43–46, Schedules 1 and 3: 10 April 2004 Remainder: Royal Assent
<i>Special Broadcasting Service Act 1991</i>	180 of 1991	25 November 1991	S. 54: 24 Mar 1994 (see Gazette 1994, No. GN10) Remainder: 23 Dec 1991
<i>Telecommunications Act 1997</i>	47 of 1997	22 April 1997	Ss. 41–51, 56–85, 98–495, 507–576, 579–588, 590–593 and Schedules 1–4: 1 July 1997 Ss. 52–55: 5 June 1997 Remainder: Royal Assent
<i>Telecommunications (Carrier Licence Charges) Act 1997</i>	49 of 1997	22 April 1997	22 April 1997
<i>Telecommunications (Consumer Protection and Service Standards) Act 1999</i>	50 of 1999	5 July 1999	Part 3: 1 July 1999 Remainder: 2 Aug 1999
<i>Telecommunications (Interception and Access) Act 1979</i>	114 of 1979	25 October 1979	1 June 1980 (see Gazette 1980, No. G21, p. 2)
<i>Telecommunications (Numbering Charges) Act 1997</i>	51 of 1997	22 April 1997	Parts 1 and 4: Royal Assent Parts 2 and 3: 1 July 1997
<i>Telecommunications (Universal Service Levy) Act 1997</i>	53 of 1997	24 April 1997	1 July 1997
<i>Television Licence Fees Act 1964</i>	118 of 1964	24 November 1964	24 November 1964
<i>Telstra Corporation Act 1991</i>	79 of 1991	26 June 1991	Part 1 (ss. 1–7): Royal Assent Remainder: 1 Feb 1992 (see Gazette 1992, No. S32)
<i>Telstra (Transition to Full Private Ownership) Act 2005</i>	118 of 2005	23 September 2005	Schedule 1 items 45–51 and 53–65: 24 Nov 2006 (F2006L03997); Schedule 1 Item 52: The third anniversary of the designated day declared under section 3. Schedule 1 Part 3: The 85% sale day declared under section 4. Remainder: Royal Assent

# Appendix 9:

## Notifications, directions and instruments

Section 57 of the *Australian Communications and Media Authority Act 2005* requires copies of certain directions and instruments to be included in the ACMA's annual report, including directions given to the ACMA under section 14 of the ACMA Act, and directions given by the ACMA to a carrier or carriage service provider under section 581 of the *Telecommunications Act 1997* during the financial year.

In the 2010–11 financial year, the ACMA was given one direction under section 14 of the ACMA Act:

- > Australian Communications and Media Authority (Realising the Digital Dividend) Direction 2010.

The direction was registered on the Federal Register of Legislative Instruments on 13 July 2010 at [www.comlaw.gov.au/Details/F2010L01990](http://www.comlaw.gov.au/Details/F2010L01990).

Additionally, section 67 of the ACMA Act requires the ACMA to maintain a register of all directions given to it under that Act or any other Act. The ACMA maintains this register by electronic means on its website.

The ACMA did not give any directions during the financial year under section 581 of the *Telecommunications Act*.

# Appendix 10:

## Disclosures of information

Disclosures made under Part 13 of the *Telecommunications Act 1997*

### By carriers and carriage service providers

Reason for disclosure	(Sub)section of Act	Number of disclosures 2010–11
<i>Under the Telecommunications Act 1997</i>		
Authorised by or under law	280	7,725
Made as a witness under summons	281	46
To assist the ACA/ACMA	284(1)	2,836
To assist the ACCC	284(2)	2
To assist the TIO	284(3)	20,084
Calls to emergency service number	286	102
To avert a threat to a person's life or health	287	7,288
Communications for maritime purposes	288	0
With the knowledge or consent of the person concerned	289	124,323
In circumstances prescribed in the Telecommunications Regulations 2001	292	19
Connected with an exempt disclosure	293	0
<i>Under the Telecommunications (Interception and Access Act) 1979</i>		
Voluntary disclosure	177	132
Authorisations for access to existing information or documents—enforcement of the criminal law	178	549,859
Authorisations for access to existing information or documents—locating missing persons	178A	214
Authorisations for access to existing information or documents—enforcement of a law imposing pecuniary penalty or protection of the public revenue	179	7,141
Authorisations for access to prospective information or documents	180	9,651
<b>TOTAL</b>		<b>729,422</b>

Source: Carriers.

Note: Legislative amendments introduced the section 178A disclosure in March 2011.

### By emergency management persons (EMP) for telephone-based emergency warning systems

Reason for disclosure	(Sub)section of Act	Number of disclosures
Likely emergency	295V(1)	49,743
Actual emergency	295V(2)	6,481,481



# Appendix 11:

## Judicial and administrative decisions 2010–11

Judicial decisions and decisions of administrative tribunals made in the 2010–11 financial year that have had, or may have, a significant impact on the operations of the ACMA are summarised below.

***Australian Communications and Media Authority v Mobilegate Ltd A Company Incorporated in Hong Kong and Ors (No 4) [2009] FCA 1225; (No 5) [2009] FCA 1507; (No 6) [2009] FCA 1533; (No 8) [2010] FCA 1197 and (No 9) [2010] FCA 1383***

The ACMA commenced proceedings in the Federal Court under the *Spam Act 2003* and the *Trade Practices Act 1974* against eight respondents in relation to SMS messages sent to mobile phone numbers obtained from dating websites.

**Outcome:** Civil penalties in excess of \$24 million have been awarded against all eight respondents.

**Significance:** This is the first case litigated under the Spam Act that deals with SMS spam. The decisions provide guidance on the discretionary factors that the Court will take into account in assessing civil penalties under the Spam Act, and the quantum of the penalties has provided a general deterrent for any similar misconduct.

***Australian Communications and Media Authority v FHT Travel Pty Limited and Anor***

The ACMA commenced proceedings in the Federal Court under the *Do Not Call Register Act 2006* (DNCR Act) against FHT Travel Pty Ltd (FHT Travel) and its sole director for alleged contraventions of the DNCR Act.

**Outcome:** The Federal Court found that FHT Travel and its sole director breached the DNCR Act by making, or causing to be made, more than 12,000 telemarketing calls to people who had placed their telephone numbers on the Do Not Call Register. A civil pecuniary penalty of \$120,000 was awarded against the company and certain injunctions were ordered against both respondents.

**Significance:** This was the first DNCR Act case to be litigated to completion, and it provides a useful reference point for the imposition of pecuniary penalties for future breaches of this legislation.

# Appendix 12:

## Consultancies, advertising expenditure and competitive tendering

During 2010–11, 15 new consultancy arrangements were entered into involving total actual expenditure of \$1,385,186.

In addition, 11 ongoing consultancy arrangements were active during 2010–11, involving total actual expenditure of \$403,931.

Information on expenditure on contracts and consultancies is also available on the AusTender website at [www.tenders.gov.au](http://www.tenders.gov.au).

**Table 61: Expenditure on consultancy contracts, 2008–09 to 2010–11**

Year	New consultancies	Continued consultancies
2008–09	\$453,652	\$531,735
2009–10	\$1,143,416	\$600,447
2010–11	\$1,385,186	\$403,931

**Table 62: Expenditure on media advertising organisations, 2010–11**

Organisation name	Purpose	Amount of payment*
Universal McCann	Cybersafety messages	\$100,491
Adcorp Australia Ltd	Voice over internet protocol (VoIP)	\$49,597
Adcorp Australia Ltd	Public notices and other general advertising	\$32,771
Adcorp Australia Ltd	Recruitment	\$47,383
<b>Total</b>		<b>\$230,242</b>

*\*In some instances, amounts paid include development of creative.*

**Table 63: Expenditure on market research organisations, 2010–11**

Organisation name	Purpose	Amount of payment
Roy Morgan Research Pty Ltd	Community research into telecommunications customer service experiences and associated behaviour	\$180,000
Roy Morgan Research Pty Ltd	Telecommunications numbering—community research	\$178,563
Sensis Pty Ltd	Telecommunications numbering—research into small and medium enterprises	\$29,150
GfK bluemoon Research and Planning Pty Ltd	Community research on informed consent	\$88,440
TNS Social Research	Community research on 3G mobile billing and charging arrangements	\$28,233
McNair Ingenuity Research Pty Ltd	Household research into domestic antenna stock and television equipment, Penrith NSW	\$156,200

Newspoll Market and Social Research	Consumer research into expectations about the replacement of television equipment	\$32,622
GfK bluemoon Research and Planning Pty Ltd	Community research into broadcasting and media privacy	\$76,120
Newspoll Market and Social Research	Community research into privacy in broadcast news and current affairs	\$13,877
GfK bluemoon Research and Planning Pty Ltd	Community research into adult Australians' views about media content issues in a converging media environment	\$131,967
Edith Cowan University	Cybersmart Detectives evaluation project	\$28,166
GfK bluemoon Research and Planning Pty Ltd	Click & Connect II project	\$62,825
Ipsos Public Affairs Pty Ltd	Fixed-line consumer survey	\$108,240
Newspoll Market and Social Research	Online mobile-only consumer survey	\$43,890
Galexia Pty Ltd	Overview of international cybersecurity awareness-raising and educational initiatives	\$33,000
<b>Total</b>		<b>\$1,191,293</b>

## Advertising

During the year, the ACMA placed advertising for a range of purposes including public notices and recruitment.

Expenditure by the ACMA on advertising in 2010–11 was \$0.323 million. The ACMA did not undertake any advertising campaigns during the year.

## Competitive tendering

No contracts have been let that contract out delivery of government activities previously performed by a Commonwealth agency.

## Access by Auditor-General

No contracts have been let that prevent access by the Auditor-General.

## Exemptions from reporting of Commonwealth contracts

No exemptions have been sought or granted for the non-reporting of Commonwealth contracts on AusTender.

# Appendix 13:

## Outcome table 2010–11

**Outcome 1: A communications and media environment that balances the needs of the industry and the Australian community through regulation, education and advice**

	Budget 1	Actual	Variance
	(1)	(2)	(2) minus (1)
	\$'000	\$'000	\$'000
<b>Program 1.1: Communications regulation, planning and licensing</b>			
Departmental items:			
Departmental appropriations	71,278	72,223	945
Revenues from independent sources	1,284	1,007	(277)
Special accounts			
Non-appropriation receipts to special accounts	50	0	(50)
Non-appropriation receipts to special accounts	162,576	161,389	(1,187)
<b>Subtotal for Program 1.1</b>	<b>235,188</b>	<b>234,618</b>	<b>(570)</b>
<b>Program 1.2: Consumer safeguards, education and information</b>			
Departmental items			
Departmental appropriations	37,333	26,712	(10,621)
Revenues from independent sources	200	372	172
Special appropriations			
Special Appropriation Act—Telecommunications consumer code	300	0	(300)
<b>Subtotal for Program 1.2</b>	<b>37,833</b>	<b>27,085</b>	<b>(10,748)</b>
<b>Total for Outcome 1</b>			
Departmental 2	110,095	100,314	(9,781)
Administered 3	162,926	161,389	(1,537)
Average staffing level	597	591	

### Notes

1. 2010–11 Budget figures

The 2010–11 Budget is the full-year budget including additional estimates.

2. Variance in departmental items

The individual departmental program variance is essentially due to the reclassification of program structure for certain activities.

# Appendix 14:

## Agency resource statement 2010–11

	Actual available appropriations for 2010–11	Payments made 2010–11	Balance remaining
	\$'000	\$'000	\$'000
	(a)	(b)	(a-b)
<b>Ordinary annual services</b>			
<b>Departmental appropriation</b>			
Prior year departmental appropriation	12,466		12,466
Departmental appropriation	106,540	106,760	(220)
Departmental appropriation (DCB)	11,499		11,499
Departmental appropriation reduced (Appropriation Act s. 10)			0
Repayments to the Commonwealth (FMA Act s. 30A)	4,510	4,510	0
S31 relevant agency receipts	954		954
<b>Total</b>	<b>135,969</b>	<b>111,270</b>	<b>24,699</b>
<b>Administered items</b>			
Outcome	3,500	2,460	1,040
Appropriation lapsing		1,040	(1,040)
<b>Total</b>	<b>3,500</b>	<b>3,500</b>	<b>0</b>
<b>Total ordinary annual services</b>	<b>139,469</b>	<b>114,770</b>	<b>24,699</b>
<b>Other services</b>			
Departmental non-operating	20,523	11,731	8,792
Equity injections	5,357		5,357
Accrued appropriations	(8,481)		(8,481)
<b>Total</b>	<b>17,399</b>	<b>11,731</b>	<b>5,668</b>

<b>Special appropriations</b>			
<b>Special appropriations limited by amount</b>			
<i>Telecommunications Act 1997—s. 136C(4) reimbursement of costs of developing consumer-industry code</i>	300		300
Appropriation lapsing		300	(300)
<b>Total special appropriations</b>	<b>300</b>	<b>300</b>	<b>0</b>
<b>Special accounts</b>			
Opening balance	870		870
Non-appropriations receipts to special accounts	71,567		71,567
Repayments to the Commonwealth (FMA Act s. 30A)	6,645		6,645
Payments made		78,916	(78,916)
<b>Total</b>	<b>79,082</b>	<b>78,916</b>	<b>166</b>
<b>Total resourcing and payments</b>	<b>236,250</b>	<b>205,717</b>	<b>30,533</b>

# Appendix 15:

## Performance against PBS KPIs and deliverables 2010–11

This table sets out the key performance indicators and deliverables from ACMA's Portfolio Budget Statements 2010–11 and identifies the sections of the report that cover the agency's actual performance against these indicators and deliverables.

### Outcome 1: A communications and media environment that balances the needs of the industry and the Australian community through regulation, education and advice.

#### Program 1.1: Communications regulation, planning and licensing

##### Program 1.1 Key performance indicators

- > An effective regulatory environment that supports a dynamic communications sector and enables industry to meet the communications needs of the community.
- > Efficient planning, allocation and use of national resources such as radiofrequency spectrum, telecommunications numbering and telecommunications infrastructure.
- > Industry contributes to, and complies with, the regulatory framework without being subject to undue financial or administrative burden.
- > Levels of industry compliance with the regulatory framework as assessed by breaches and recurrent breaches of legislation, codes, standards and licence conditions.
- > The cost of ACMA's regulatory activities is minimised to the extent possible.

##### Program 1.1 Deliverables

##### Performance in 2010–11

Government revenue targets met in the collection of annual numbering charges.	See p. 76
Applications for an opinion on control or temporary approval of a breach of the <i>Broadcasting Services Act 1992</i> (BSA) dealt with within applicable time frames.	See p. 39
Annual identification and publication of primary issues facing key radiocommunications services, and methods ACMA proposes to use to manage these issues.	See p. 47
Greater marketplace contestability in frequency assignments.	See pp. 59–60
Increased proportion of spectrum licensed through class and spectrum licensing.	See p. 58
The proportion of licensing and numbering transaction applications dealt with within applicable time frames.	
70 per cent of apparatus licence applications requiring frequency assignment within 70 days.	See p. 56
100 per cent of apparatus licence applications not requiring frequency assignment within 14 days.	See p. 56
100 per cent of community broadcasting renewal applications within 12 months, with 90 per cent of initial assessments within four months.	See p. 66
100 per cent of geographic number allocations within 10 days.	See p. 69
Submarine cable permits within 20 days (protection zone) or 180 days (non-protection zone).	See p. 85—no new submarine cable protection zones were considered during 2010–11

The proportion of online content, Do Not Call Register and broadcasting code complaints dealt with within applicable time frames.		
Online content—90 per cent of online content-based complaints completed within 20 days.		See p. 112
Telemarketing—50 per cent of complaints closed within seven days, 75 per cent within 14 days, 90 per cent within 21 days of receipt.		See p. 100
Broadcasting code complaint investigations completed within six months.		See p. 107
Price-based allocations of spectrum completed within statutory time frames.		
Price-based allocations of spectrum completed within two years of reallocation declaration and six months of the minister determining competition rules.	No reallocation declarations made during the reporting period	
Evaluate digital transmission reception to assess whether digital television has the same coverage as current analog services.		See p. 43
Review community broadcasting licence allocation and renewal processes.		See p. 65

## Program 1.2: Consumer safeguards, education and information

### Program 1.2 Key performance indicators

- > The community has access to sufficient information to enable it to make informed decisions about communications products and services.
- > Effective community safeguards are implemented and maintained.
- > Research is undertaken, and stakeholders engaged, to maximise the extent to which information, standards and safeguards address the broad concerns of the community.

### Program 1.2 Deliverables

### Performance in 2010–11

Information programs delivered in order to raise awareness of rights, obligations and safety issues.		
Improving awareness of Triple Zero among children.		See p. 118
Consumer awareness campaign for the Do Not Call Register.		See p. 139
Cybersafety awareness and education activities.		See pp. 140–144
Consumer awareness of cabling regulation.		See p. 83
Information materials on the National Relay Service.		See p. 136
Protections for users of mobile premium services.		See pp. 96, 97
Risks and safety advice for users of online social networking sites.		See p. 144
Reports on industry compliance with statutory consumer safeguards made available within required time frames.		See pp. 134–136
Develop educational and research initiatives to underpin cybersafety program.		See pp. 140–144, 147
Undertake consultation at regular intervals to receive information and advice on matters affecting consumers of communications services.	See p. 138—consumer Consultative Forum (CCF) met three times during 2010–11	
In cooperation with industry, undertake reviews of communications standards, codes and determinations within appropriate time frames.	See pp. 20, 21, 85, 96, 97, 116, 129	
Raise awareness of Australia's spam legislation among consumers, businesses and the e-marketing industry through education programs and publications.	See pp. 103–105	



# Appendix 16:

## Regulatory impact analysis compliance report

The Office of Best Practice Regulation (OBPR) manages and monitors regulatory impact analysis requirements and is required to report annually on regulatory impact compliance by Australian Government departments and agencies. To fulfil its responsibilities, the ACMA lodges six-monthly compliance reports with the OBPR.

In 2010–11, the ACMA has undertaken 52 preliminary assessments for regulations made or tabled in the reporting period. Three Regulation Impact Statements have been prepared.

# Appendix 17:

## Compliance index

### Requirements for annual reports

Department of the Prime Minister and Cabinet

Part of report	Description	Page
	Letter of transmittal	3
	Table of contents	5
	Index	305
	Glossary	300
	Contact officer(s)	2
	Internet home page address and internet address for report	back cover, 2
Review by Chairman	Review by Chairman and Chief Executive Officer	10
	Summary of significant issues and developments	16
	Overview of agency's performance and financial results	10, 16, 31
	Outlook for following year	10
	Significant issues and developments—portfolio	n/a
Agency overview		
	Role and functions	25
	Organisational structure	29–30
	Outcome and program structure	35, 123, 223
	Where outcome and program structures differ from PB Statements/PAES or other portfolio statements accompanying any other additional appropriation bills (other portfolio statements), details of variation and reasons for change	n/a
	Portfolio structure	n/a
Report on performance	Review of performance during the year in relation to programs and contribution to outcomes	226–227
	Actual performance in relation to deliverables and KPIs set out in PB Statements/PAES or other portfolio statements	226
	Where performance targets differ from the PBS/ PAES, details of both former and new targets, and reasons for the change	n/a
	Narrative discussion and analysis of performance	throughout
	Trend information	throughout
	Significant changes in nature of principal functions/services	n/a
	Factors, events or trends influencing departmental performance	throughout
	Contribution of risk management in achieving objectives	161
	Social inclusion outcomes	n/a
	Performance against service charter customer service standards, complaints data, and the agency's response to complaints	159
	Discussion and analysis of the agency's financial performance	31, 162, 232–299

	Discussion of any significant changes from the prior year or from budget	162
	Agency resource statement and summary resource tables by outcomes	224
	Developments since the end of the financial year that have affected or may significantly affect the agency's operations or financial results in future	n/a
Management accountability		
Corporate governance	Agency heads are required to certify that their agency complies with the Commonwealth Fraud Control Guidelines	161
	Statement of the main corporate governance practices in place	31–32, 161
	Names of the senior executives and their responsibilities	30
	Senior management committees and their roles	31–32, 166–167
	Corporate and operational planning and associated performance reporting and review	32–33
	Approach adopted to identifying areas of significant financial or operational risk	161
	Policy and practices on the establishment and maintenance of appropriate ethical standards	155
	How nature and amount of remuneration for SES officers is determined	153–154
External scrutiny	Significant developments in external scrutiny	n/a
	Judicial decisions and decisions of administrative tribunals	220
	Reports by the Auditor-General, a Parliamentary Committee or the Commonwealth Ombudsman	n/a
Management of human resources	Assessment of effectiveness in managing and developing human resources to achieve departmental objectives	156
	Workforce planning, staff turnover and retention	157
	Impact and features of enterprise or collective agreements, individual flexibility arrangements (IFAs), determinations, common law contracts and AWAs	153, 156
	Training and development undertaken and its impact	156
	Occupational health and safety performance	155
	Statistics on staffing	153–154, 170–176
	Enterprise or collective agreements, IFAs, determinations, common law contracts and AWAs	153, 156
	Performance pay	153–154
Assets management	Assessment of effectiveness of assets management	163
Purchasing	Assessment of purchasing against core policies and principles	163
Consultants	The annual report must include a summary statement detailing the number of new consultancy services contracts let during the year; the total actual expenditure on all new consultancy contracts let during the year (inclusive of GST); the number of ongoing consultancy contracts that were active in the reporting year; and the total actual expenditure in the reporting year on the ongoing consultancy contracts (inclusive of GST). The annual report must include a statement noting that information on contracts and consultancies is available through the AusTender website.	221–222
	(Additional information as in Attachment D to be available on the internet or published as an appendix to the report. Information must be presented in accordance with the pro forma as set out in Attachment D.)	acma.gov.au
Australian National Audit Office Access Clauses	Absence of provisions in contracts allowing access by the Auditor-General	222
Exempt contracts	Contracts exempt from the AusTender	222
Financial statements	Financial statements	232–299

Other mandatory information	
Occupational health and safety (section 74 of the <i>Occupational Health and Safety Act 1991</i> )	155
Freedom of information for the period 1 July 2010 to 30 April 2011 inclusive (see terms of subsection 8(1) of the <i>Freedom of Information Act 1982</i> as it existed prior to 1 May 2011)	214
Advertising and Market Research (section 311A of the <i>Commonwealth Electoral Act 1918</i> ) and statement on advertising campaigns	221–222
Ecologically sustainable development and environmental performance (section 516A of the <i>Environment Protection and Biodiversity Conservation Act 1999</i> )	163
Grant programs	163
Disability reporting—explicit and transparent reference to agency-level information available through other reporting mechanisms	154
Correction of material errors in previous annual report	n/a

### Compliance with *Australian Communications and Media Authority Act 2005*, Part 6, section 57, Annual report

Requirement	Page
A copy of each direction given to the ACMA under section 14 during the financial year	218
A copy, or extract, of each instrument given to a carrier or to a carriage service provider under section 581 of the <i>Telecommunications Act 1997</i> during the financial year	No instruments given
A report on the number and types of complaints made under Part 26 of the <i>Telecommunications Act 1997</i>	
A report on the investigations conducted as a result of complaints made under Part 26	
The results of those investigations	85, 97–104, 134
A report on the operation of Part 6 of the <i>Telecommunications Act 1997</i>	91–97
A report setting out statistical information relating to information or documents disclosed under Division 3 of Part 13 of the <i>Telecommunications Act 1997</i>	219

### Compliance with the *Financial Management and Accountability Act 1997*

Requirement	Page
Chief Executive must give annual financial statements to the Auditor-General	235
Financial statements must be prepared in accordance with the Finance Minister's Orders and must give a true and fair view	235
Chief Executive must state whether, in his or her opinion, the financial statements give a true and fair view	235

# Appendix 18:

## Financial statements

### Contents

---

- > Independent audit report
- > Statement by the Chief Executive and Chief Finance Officer
- > Income statement
- > Balance sheet
- > Statement of changes in equity
- > Cash flow statement
- > Schedule of commitments
- > Schedule of contingencies
- > Schedule of administered items
- > Notes



## INDEPENDENT AUDITOR'S REPORT

To the Minister for Broadband, Communications and the Digital Economy

### Report on the Financial Statements

I have audited the accompanying financial statements of the Australian Communications and Media Authority for the year ended 30 June 2011, which comprise: a Statement by the Chief Executive and Chief Finance Officer; Statement of Comprehensive Income; Balance Sheet; Statement of Changes in Equity; Cash Flow Statement; Schedule of Commitments; Schedule of Contingencies; Schedule of Asset Additions; Schedule of Administered Items; and Notes to and forming part of the financial statements including a Summary of Significant Accounting Policies.

#### *Chief Executive's Responsibility for the Financial Statements*

The Chief Executive of the Australian Communications and Media Authority is responsible for the preparation of financial statements that give a true and fair view in accordance with the Finance Minister's Orders made under the *Financial Management and Accountability Act 1997*, including the Australian Accounting Standards, and for such internal control as the Chief Executive determines is necessary to enable the preparation of the financial statements that are free from material misstatement, whether due to fraud or error.

#### *Auditor's Responsibility*

My responsibility is to express an opinion on the financial statements based on my audit. I have conducted my audit in accordance with the Australian National Audit Office Auditing Standards, which incorporate the Australian Auditing Standards. These auditing standards require that I comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the Australian Communications and Media Authority's preparation of the financial statements that give a true and fair view in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Australian Communications and Media Authority's internal control. An audit also includes evaluating the appropriateness of the accounting policies used and the reasonableness of accounting estimates made by the Chief Executive of the Australian Communications and Media Authority, as well as evaluating the overall presentation of the financial statements.

GPO Box 707 CANBERRA ACT 2601  
19 National Circuit BARTON ACT 2600  
Phone (02) 6203 7309 Fax (02) 6203 7777

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

#### ***Independence***

In conducting my audit, I have followed the independence requirements of the Australian National Audit Office, which incorporate the requirements of the Australian accounting profession.

#### ***Opinion***

In my opinion, the financial statements of the Australian Communications and Media Authority:

- (a) have been prepared in accordance with the Finance Minister's Orders made under the *Financial Management and Accountability Act 1997*, including the Australian Accounting Standards; and
- (b) give a true and fair view of the matters required by the Finance Minister's Orders including the Australian Communications and Media Authority's financial position as at 30 June 2011 and of its financial performance and cash flows for the year then ended.

#### **Report on Other Legal and Regulatory Requirements**

Without modifying my audit opinion, I draw attention to Note 21 and Note 22 to the financial statements, which describes increased risk of non-compliance with Section 83 of the Constitution. The Australian Communications and Media Authority has recently become aware that there is an increased risk of non-compliance with Section 83 of the Constitution where payments are made from special appropriations and special accounts in circumstances where the payments do not accord with conditions included in the relevant legislation. The Australian Communications and Media Authority will investigate these circumstances and any impact on its special appropriations and special accounts, seeking legal advice as appropriate.

Australian National Audit Office



Rebecca Reilly  
Executive Director

Delegate of the Auditor-General

Canberra  
16 September 2011

**STATEMENT BY THE CHIEF EXECUTIVE AND CHIEF FINANCE OFFICER**

In our opinion, the attached financial statements for the year ended 30 June 2011 are based on properly maintained financial records and give a true and fair view of the matters required by the Finance Minister's Orders made under the *Financial Management and Accountability Act 1997*, as amended.

The image shows two handwritten signatures in black ink. The signature on the left is for Chris Chapman, and the signature on the right is for Derek Ambrose. Both signatures are fluid and cursive.

Chris Chapman  
Chief Executive

Derek Ambrose  
Chief Finance Officer

14 September 2011

14 September 2011



# STATEMENT OF COMPREHENSIVE INCOME

for the period ended 30 June 2011

	Notes	2011 \$'000	2010 \$'000
<b>EXPENSES</b>			
Employee benefits	3A	68,939	62,570
Supplier expenses	3B	35,211	41,094
Depreciation and amortisation	3C	7,002	5,026
Write-down and impairment of assets	3D	64	347
<b>Total expenses</b>		<b>111,216</b>	<b>109,037</b>
<b>LESS:</b>			
<b>OWN-SOURCE INCOME</b>			
<b>Own-source revenue</b>			
Sale of goods and rendering of services	4A	190	385
Other	4B	1,094	1,424
<b>Total own-source revenue</b>		<b>1,284</b>	<b>1,809</b>
<b>Gains</b>			
Sale of assets	4C	14	12
Other	4D	81	81
<b>Total gains</b>		<b>95</b>	<b>93</b>
<b>Total own-source income</b>		<b>1,379</b>	<b>1,902</b>
<b>Net cost of services</b>		<b>109,837</b>	<b>107,135</b>
Revenue from Government	4E	98,935	108,223
<b>Surplus (Deficit) attributable to the Australian Government</b>		<b>(10,902)</b>	<b>1,088</b>
<b>OTHER COMPREHENSIVE INCOME</b>			
Changes in asset revaluation reserves		(350)	1,422
<b>Total other comprehensive income</b>		<b>(350)</b>	<b>1,422</b>
<b>Total comprehensive income (loss) attributable to the Australian Government</b>		<b>(11,252)</b>	<b>2,510</b>

The above statement should be read in conjunction with the accompanying notes.

**BALANCE SHEET**  
as at 30 June 2011

	Notes	2011 \$'000	2010 \$'000
<b>ASSETS</b>			
<b>Financial Assets</b>			
Cash and cash equivalents	5A	1,029	866
Trade and other receivables	5B	31,724	34,526
<b>Total financial assets</b>		<b>32,753</b>	<b>35,392</b>
<b>Non-Financial Assets</b>			
Land and buildings	6A, C	12,957	10,938
Property, plant and equipment	6B, C	9,136	7,724
Intangibles	6D, E	12,215	9,154
Other	6F	1,274	1,826
<b>Total non-financial assets</b>		<b>35,582</b>	<b>29,642</b>
<b>Total Assets</b>		<b>68,335</b>	<b>65,034</b>
<b>LIABILITIES</b>			
<b>Payables</b>			
Suppliers	7A	5,668	8,440
Other	7B	2,800	2,254
<b>Total payables</b>		<b>8,468</b>	<b>10,694</b>
<b>Provisions</b>			
Employee provisions	8A	16,064	15,553
Other	8B	1,856	1,568
<b>Total provisions</b>		<b>17,920</b>	<b>17,121</b>
<b>Total Liabilities</b>		<b>26,388</b>	<b>27,815</b>
<b>Net Assets</b>		<b>41,947</b>	<b>37,219</b>
<b>EQUITY</b>			
<b>Parent Entity Interest</b>			
Contributed equity		45,478	28,622
Reserves		2,145	2,013
Retained earnings		(5,676)	6,584
<b>Total Equity</b>		<b>41,947</b>	<b>37,219</b>

The above statement should be read in conjunction with the accompanying notes.

**STATEMENT OF CHANGES IN EQUITY**  
for the period ended 30 June 2011

	Retained earnings		Asset revaluation reserve		Contributed equity		Total equity	
	2011	2010	2011	2010	2011	2010	2011	2010
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
<b>Opening balance</b>								
Balance carried forward from previous period	6,584	7,977	2,013	938	28,622	27,216	37,219	36,131
Adjustment for errors / rounding	1	-	(1)	-	-	-	-	-
<b>Adjusted opening balance</b>	<b>6,585</b>	<b>7,977</b>	<b>2,012</b>	<b>938</b>	<b>28,622</b>	<b>27,216</b>	<b>37,219</b>	<b>36,131</b>
<b>Comprehensive income</b>								
Revaluation increment/(decrement) on non-financial assets	-	-	(350)	1,422	-	-	(350)	1,422
Surplus (Deficit) for the period	(10,902)	1,088					(10,902)	1,088
<b>Total comprehensive income</b>	<b>(10,902)</b>	<b>1,088</b>	<b>(350)</b>	<b>1,422</b>	<b>-</b>	<b>-</b>	<b>(11,252)</b>	<b>2,510</b>
<b>Transactions with owners</b>								
<b>Distributions to owners</b>								
Returns of capital:								
Return of Appropriations	(876)	(2,828)	-	-	-	-	(876)	(2,828)
<b>Contributions by owners</b>								
Equity Injection - Appropriations	-	-	-	-	5,357	1,406	5,357	1,406
Departmental capital budget	-	-	-	-	11,499	-	11,499	-
<b>Sub-total transactions with owners</b>	<b>(876)</b>	<b>(2,828)</b>	<b>-</b>	<b>-</b>	<b>16,856</b>	<b>1,406</b>	<b>15,980</b>	<b>(1,422)</b>
Transfer of revaluation reserve of derecognised non-financial assets	(483)	347	483	(347)	-	-	-	-
<b>Closing balance as at 30 June</b>	<b>(5,676)</b>	<b>6,584</b>	<b>2,145</b>	<b>2,013</b>	<b>45,478</b>	<b>28,622</b>	<b>41,947</b>	<b>37,219</b>
<b>Closing balance attributable to the Australian Government</b>	<b>(5,676)</b>	<b>6,584</b>	<b>2,145</b>	<b>2,013</b>	<b>45,478</b>	<b>28,622</b>	<b>41,947</b>	<b>37,219</b>

The above statement should be read in conjunction with the accompanying notes.

**CASH FLOW STATEMENT**  
for the period ended 30 June 2011

	Notes	2011 \$'000	2010 \$'000
<b>OPERATING ACTIVITIES</b>			
<b>Cash received</b>			
Goods and services		385	628
Appropriations		102,854	105,603
Net GST received		4,507	4,573
Other		1,120	1,453
<b>Total cash received</b>		<b>108,866</b>	<b>112,257</b>
<b>Cash used</b>			
Employees		68,244	62,830
Suppliers		40,125	46,623
<b>Total cash used</b>		<b>108,369</b>	<b>109,453</b>
<b>Net cash from (used by) operating activities</b>	9	<b>497</b>	<b>2,804</b>
<b>INVESTING ACTIVITIES</b>			
<b>Cash received</b>			
Proceeds from sales of property, plant and equipment		22	29
<b>Total cash received</b>		<b>22</b>	<b>29</b>
<b>Cash used</b>			
Purchase of property, plant and equipment		7,418	2,244
Purchase of intangibles		7,137	5,875
<b>Total cash used</b>		<b>14,555</b>	<b>8,119</b>
<b>Net cash from (used by) investing activities</b>		<b>(14,533)</b>	<b>(8,090)</b>
<b>FINANCING ACTIVITIES</b>			
<b>Cash received</b>			
Contributed equity		14,199	5,249
<b>Total cash received</b>		<b>14,199</b>	<b>5,249</b>
<b>Net cash from financing activities</b>		<b>14,199</b>	<b>5,249</b>
<b>Net increase (decrease) in cash held</b>		<b>163</b>	<b>(37)</b>
<b>Cash and cash equivalents at the beginning of the reporting period</b>		<b>866</b>	<b>903</b>
<b>Cash and cash equivalents at the end of the reporting period</b>	5A	<b>1,029</b>	<b>866</b>

The above statement should be read in conjunction with the accompanying notes.

## SCHEDULE OF COMMITMENTS

as at 30 June 2011

	2011 \$'000	2010 \$'000
<b>BY TYPE</b>		
<b>Commitments receivable</b>		
Sublease rental income	-	14
Net GST recoverable on commitments	5,287	3,531
<b>Total commitments receivable</b>	<b>5,287</b>	<b>3,545</b>
<b>Commitments payable</b>		
<b>Other commitments</b>		
Operating leases <sup>1</sup>	30,756	18,906
Suppliers	27,403	19,942
<b>Total other commitments</b>	<b>58,159</b>	<b>38,848</b>
<b>Net commitments by type</b>	<b>52,872</b>	<b>35,303</b>
<b>BY MATURITY</b>		
<b>Commitments receivable</b>		
<b>Operating lease income</b>		
One year or less	-	14
From one to five years	-	-
<b>Total operating lease income</b>	<b>-</b>	<b>14</b>
<b>Other commitments receivable</b>		
One year or less	1,858	1,756
From one to five years	3,429	1,775
<b>Total other commitments receivable</b>	<b>5,287</b>	<b>3,531</b>
<b>Commitments payable</b>		
<b>Operating lease commitments<sup>1</sup></b>		
One year or less	6,671	7,390
From one to five years	21,975	11,484
Over five years	2,110	32
<b>Total operating lease commitments</b>	<b>30,756</b>	<b>18,906</b>
<b>Supplier Commitments</b>		
One year or less	13,770	11,927
From one to five years	13,633	8,015
<b>Total supplier commitments</b>	<b>27,403</b>	<b>19,942</b>
<b>Net commitments by maturity</b>	<b>52,872</b>	<b>35,303</b>

NB: Commitments are GST inclusive where relevant.

## **SCHEDULE OF COMMITMENTS**

*as at 30 June 2011*

<sup>1</sup>Operating leases are effectively non-cancellable and comprise:

	<b>General description of leasing arrangement</b>
Leases for office accommodation	Office lease payments are subject to annual increases in accordance with upward movements of the Consumer Price Index or increased by a fixed rate. All office accommodation leases are current or in the process of being executed by the Lessor. A number of leases allow for extensions, the longest option providing for two five year extensions at the Authority's discretion. On renewal, each lease allows for a market review to set the new rental base.
Agreements for the provision of motor vehicles - senior executives officers	No contingent rentals exist. There are no renewal or purchase options available to the Authority.

This schedule should be read in conjunction with the accompanying notes.

**SCHEDULE OF CONTINGENCIES***as at 30 June 2011*

	2011 \$'000	2010 \$'000
<b>Contingent assets</b>		
Claims for damages or costs	-	250
<b>Total contingent assets</b>	-	250
<b>Contingent liabilities</b>		
Claims for damages or costs	-	75
<b>Total contingent liabilities</b>	-	75
<b>Net contingent assets</b>	-	175

Details of each class of contingent liabilities and contingent assets listed above are disclosed in Note 10: Contingent Assets and Liabilities, along with information on significant remote contingencies and contingencies that cannot be quantified.

The above schedule should be read in conjunction with the accompanying notes.

**SCHEDULE OF ASSET ADDITIONS**  
*for the period ended 30 June 2011*

The following non-financial non-current assets were added in 2010-11:

	Land	Buildings	Other property, plant & equipment	Intangibles	Other	Total
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
<b>Additions funded in the current year</b>						
By purchase - appropriation ordinary annual services	-	-	-	2,468	-	2,468
Departmental capital budget						
By purchase - appropriation other services	-	-	7,418	4,669	-	12,087
Equity injections						
<b>Total additions</b>	-	-	7,418	7,137	-	14,555

The following non-financial non-current assets were added in 2009-10:

	Land	Buildings	Other property, plant & equipment	Intangibles	Other	Total
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
<b>Additions funded in the current year</b>						
By purchase - appropriation ordinary annual services						
Equity injections	-	412	652	7,054	-	8,118
<b>Total funded additions funded in the current year</b>	-	412	652	7,054	-	8,118
<b>Total additions</b>	-	412	652	7,054	-	8,118



SCHEDULE OF ADMINISTERED ITEMS			
	Notes	2011 \$'000	2010 \$'000
<b>Income administered on behalf of Government</b> <i>for the period ended 30 June 2011</i>			
<b>Revenue</b>			
<b>Taxation revenue</b>			
Other taxes	14A	372,334	455,321
<b>Total taxation revenue</b>		<b>372,334</b>	<b>455,321</b>
<b>Non-taxation revenue</b>			
Sale of goods and rendering of services	14B	3,156	2,611
Fees and fines	14C	41,119	65,607
Other	14D	160,654	161,035
<b>Total non-taxation revenue</b>		<b>204,929</b>	<b>229,253</b>
<b>Total revenues administered on behalf of Government</b>		<b>577,263</b>	<b>684,574</b>
<b>Gains</b>			
Sale of assets	14E	2,863	3,109
Reversal of previous asset write-downs and impairments	14F	9	-
<b>Total gains administered on behalf of Government</b>		<b>2,872</b>	<b>3,109</b>
<b>Total income administered on behalf of Government</b>		<b>580,135</b>	<b>687,683</b>
<b>Expenses administered on behalf of Government</b> <i>for the period ended 30 June 2011</i>			
<b>Expenses</b>			
Subsidies	15A	161,343	160,622
Write-down and impairment of assets	15B	46	22,635
<b>Total expenses administered on behalf of Government</b>		<b>161,389</b>	<b>183,257</b>
<b>Assets administered on behalf of Government</b> <i>as at 30 June 2011</i>			
<b>Financial assets</b>			
Cash and cash equivalents	16A	408	894
Taxation receivables	16B	158,674	328,444
Trade and other receivables	16C	38,189	27,275
Other	16D	-	26
<b>Total financial assets</b>		<b>197,271</b>	<b>356,639</b>
<b>Total assets administered on behalf of Government</b>		<b>197,271</b>	<b>356,639</b>
<b>Liabilities administered on behalf of Government</b> <i>as at 30 June 2011</i>			
<b>Payables</b>			
Subsidies	17A	5	-
Other	17B	3,707	2,950
<b>Total payables</b>		<b>3,712</b>	<b>2,950</b>
<b>Total liabilities administered on behalf of Government</b>		<b>3,712</b>	<b>2,950</b>
This schedule should be read in conjunction with the accompanying notes.			

SCHEDULE OF ADMINISTERED ITEMS			
	Notes	2011 \$'000	2010 \$'000
<b>Administered Cash Flows</b>			
<i>for the period ended 30 June 2011</i>			
<b>OPERATING ACTIVITIES</b>			
<b>Cash received</b>			
Sales of goods and rendering of services		6,069	3,068
Taxes		554,932	445,431
Fees		37,639	51,360
Fines		216	2,470
Net GST received		6,988	6,412
Levies and other receipts		69,511	68,051
<b>Total cash received</b>		<b>675,355</b>	<b>576,792</b>
<b>Cash used</b>			
Subsidies paid		( 78,657)	( 79,236)
Suppliers		-	( 252)
Other		( 21,378)	( 4,795)
<b>Total cash used</b>		<b>( 100,035)</b>	<b>( 84,283)</b>
<b>Net cash flows from operating activities</b>		<b>575,320</b>	<b>492,509</b>
<b>INVESTING ACTIVITIES</b>			
<b>Cash Received</b>			
Proceeds from sale of intangibles		3,070	2,907
<b>Total cash received</b>		<b>3,070</b>	<b>2,907</b>
<b>Net cash flows from investing activities</b>		<b>3,070</b>	<b>2,907</b>
<b>Net increase in cash held</b>		<b>578,390</b>	<b>495,416</b>
Cash and cash equivalents at the beginning of the reporting period		894	5,089
Cash from Official Public Account for:			
- Appropriations		9,106	10,549
		<b>9,106</b>	<b>10,549</b>
Cash to Official Public Account for:			
- Appropriations		( 587,982)	( 510,160)
		<b>( 587,982)</b>	<b>( 510,160)</b>
<b>Cash and cash equivalents at the end of the reporting period</b>	16A	<b>408</b>	<b>894</b>
This schedule should be read in conjunction with the accompanying notes.			

SCHEDULE OF ADMINISTERED ITEMS		
	2011 \$'000	2010 \$'000
<b>Administered Commitments as at 30 June 2011</b>		
The ACMA has no administered commitments as at 30 June 2011 and had no administered commitments as at 30 June 2010.		
<b>Administered Contingencies as at 30 June 2011</b>		
<b>Administered contingent assets</b>		
Civil penalty	-	1,000
<b>Total administered contingent assets</b>	-	1,000
<b>Net administered contingent assets</b>	19 -	1,000
Details of each class of contingent liabilities and contingent assets in the above table are disclosed in Note 19: Administered Contingent Assets and Liabilities, along with information on significant remote contingencies and contingencies that cannot be quantified.		
The above schedule should be read in conjunction with the accompanying notes.		

## **Notes To and Forming Part of the Financial Statements**

Note 1: Summary of Significant Accounting Policies  
Note 2: Events After the Reporting Period  
Note 3: Expenses  
Note 4: Income  
Note 5: Financial Assets  
Note 6: Non-Financial Assets  
Note 7: Payables  
Note 8: Provisions  
Note 9: Cash Flow Reconciliation  
Note 10: Contingent Assets and Liabilities  
Note 11: Senior Executive and Member's Remuneration  
Note 12: Remuneration of Auditors  
Note 13: Financial Instruments  
Note 14: Income Administered on Behalf of Government  
Note 15: Expenses Administered on Behalf of Government  
Note 16: Assets Administered on Behalf of Government  
Note 17: Liabilities Administered on Behalf of Government  
Note 18: Administered Reconciliation Table  
Note 19: Administered Contingent Assets and Liabilities  
Note 20: Administered Financial Instruments  
Note 21: Appropriations  
Note 22: Special Accounts  
Note 23: Compensation and Debt Relief  
Note 24: Reporting of Outcome  
Note 25: Comprehensive Income

**Note 1: Summary of Significant Accounting Policies**

**1.1 Objectives of The Australian Communications and Media Authority**

The Australian Communications and Media Authority (ACMA) is an Australian Government controlled entity. The objective of the ACMA is to enable a communications and media environment that balances the needs of the industry and the Australian community through regulation, education and advice.

From 2009-10, all general government sector entities reported on a program basis, the ACMA consolidated its two outcomes and four outputs in 2008-09 to one outcome with two programs. There has been no change in the programs this year.

The following table outlines the 2010-11 outcomes and programs for the ACMA:

<b>Outcome 1</b> : A communications and media environment that balances the needs of the industry and the Australian community through regulation, education and advice.
<b>Program 1.1:</b> Communications regulation, planning and licensing
<b>Program 1.2:</b> Consumer safeguards, education and information.

The continued existence of the ACMA in its present form and with its present programs is dependent on Government policy and on continuing appropriations by Parliament for the ACMA's administration and programs.

The ACMA's activities contributing toward these outcomes are classified as either departmental or administered. Departmental activities involve the use of assets, liabilities, income and expenses controlled or incurred by the ACMA in its own right. Administered activities involve the management or oversight by the ACMA, on behalf of the Government, of items controlled or incurred by the Government.

The ACMA conducts the following administered activities on behalf of the Government:

- regulation of the telecommunications and radiofrequency services;
- managing access to the radiofrequency spectrum bands through radiocommunications licence arrangements;
- regulating compliance with the relevant legislation, licence conditions, codes of conduct and other service standards;
- promoting and facilitating industry self-regulation, exercising its powers when necessary, and reporting on matters of importance to the communication industry and;
- representing Australia's communication interests internationally.

## Note 1: Summary of Significant Accounting Policies

### 1.2 Basis of Preparation of the Financial Statements

The financial statements are general purpose financial statements and are required by section 49 of the *Financial Management and Accountability Act 1997*.

The Financial Statements have been prepared in accordance with:

- a) Finance Minister's Orders (or FMOs) for reporting periods ending on or after 1 July 2010; and
- b) Australian Accounting Standards and Interpretations issued by the Australian Accounting Standards Board (AASB) that apply for the reporting period.

The financial statements have been prepared on an accrual basis and in accordance with the historical cost convention, except for certain assets and liabilities at fair value. Except where stated, no allowance is made for the effect of changing prices on the results or the financial position.

The financial statements are presented in Australian dollars and values are rounded to the nearest thousand dollars unless otherwise specified.

Unless an alternative treatment is specifically required by an accounting standard or the FMOs, assets and liabilities are recognised in the balance sheet when and only when it is probable that future economic benefits will flow to the ACMA or a future sacrifice of economic benefits will be required, and the amounts of the assets or liabilities can be reliably measured. However, assets and liabilities arising under executor contracts are not recognised unless required by an accounting standard. Liabilities and assets that are unrecognised are reported in the schedule of commitments or the schedule of contingencies.

Unless alternative treatment is specifically required by an accounting standard, income and expenses are recognised in the Statement of Comprehensive Income when and only when the flow, consumption or loss of economic benefits has occurred and can be reliably measured.

Administered revenues, expenses, assets and liabilities and cash flows reported in the Schedule of Administered Items and related notes are accounted for on the same basis, using the same policies as for departmental items, except where otherwise stated at Note 1.18.

### 1.3 Significant Accounting Judgements and Estimates

In the process of applying the accounting policies listed in this note, the ACMA has made the following judgements that have the most significant impact on the amounts recorded in the financial statements:

- The fair value of land and buildings has been taken to be the market value of similar properties as determined by an independent valuer. In some instances, the ACMA's buildings are purpose-built and may in fact realise more or less in the market.

Other than as noted below, no other accounting assumptions or estimates have been identified that have a significant risk of causing a material adjustment to carrying amounts of assets and liabilities within the next reporting period.

- The amortised cost of the administered receivable from broadcasting licence fees and datacasting charges has been estimated based on the prior year assessed licence fees on the assumption that all rebates will be claimed by broadcasting licensees and regardless of licensee compliance with rebate conditions. No indexation or other adjustments have applied for inflation, new participants paying the levies and charges or growth in earnings from broadcasting.

### 1.4 New Australian Accounting Standards

#### Adoption of New Australian Accounting Standard Requirements

No accounting standard has been adopted earlier than the application date as stated in the standard. No new standards, revised standards or interpretations that were issued prior to the sign off date, were applicable to the current reporting period had a financial impact on the entity.

### 1.5 Revenue

#### Revenue from Government

Amounts appropriated for departmental appropriations for the year (adjusted for any formal additions and reductions) are recognised as Revenue from Government when the ACMA gains control of the appropriation, except for certain amounts that relate to activities that are reciprocal in nature, in which case revenue is recognised only when it has been earned.

Appropriations receivable are recognised at their nominal amounts.

#### Resources Received Free of Charge

Resources received free of charge are recognised as revenue when, and only when, a fair value can be reliably determined and the services would have been purchased if they had not been donated. Use of those resources is recognised as an expense.

Resources received free of charge are recorded as either revenue or gains depending on their nature.

Contributions of assets at no cost of acquisition or for a nominal consideration are recognised as gains at their fair value when the asset qualifies for recognition, unless received from another Government agency or authority as a consequence of a restructuring of administrative arrangements (refer to Note 1.7).

## **Note 1: Summary of Significant Accounting Policies**

### **Parental Leave Payments Scheme**

Amounts received under the Parental Leave Payments Scheme by the entity not yet paid to employees have been presented at the gross amount as cash and a liability (payable). The total amount received under this scheme is disclosed as a footnote to Note 4: Revenue from Government.

### **Other Types of Revenue**

Revenue from the sale of goods is recognised when:

- the risks and rewards of ownership have been transferred to the buyer;
- the ACMA retains no managerial involvement or effective control over the goods;
- the revenue and transaction costs incurred can be reliably measured; and
- it is probable that the economic benefits associated with the transaction will flow to the ACMA.

Revenue from rendering of services is recognised by reference to the stage of completion of contracts at the reporting date. The revenue is recognised when:

- the amount of revenue, stage of completion and transaction costs incurred can be reliably measured; and
- the probable economic benefits associated with the transaction will flow to the ACMA.

The stage of completion of contracts at the reporting date is determined by reference to the proportion that costs incurred to date bear to the estimated total costs of the transaction.

Receivables for goods and services, which have 30 day terms, are recognised at the nominal amounts due less any impairment allowance account. Collectability of debts is reviewed at end of reporting period. Allowances are made when collectability of the debt is no longer probable.

Interest revenue is recognised using the effective interest method as set out in AASB 139 *Financial Instruments: Recognition and Measurement*.

## **1.6 Gains**

### **Resources Received Free of Charge**

Resources received free of charge are recognised as gains when, and only when, a fair value can be reliably determined and the services would have been purchased if they had not been donated. Use of those resources is recognised as an expense.

Resources received free of charge are recorded as either revenue or gains depending on their nature.

Contributions of assets at no cost of acquisition or for nominal consideration are recognised as gains at their fair value when the asset qualifies for recognition, unless received from another Government entity as a consequence of a restructuring of administrative arrangements (Refer to Note 1.7).

### **Sale of Assets**

Gains from disposal of assets are recognised when control of the asset has passed to the buyer.

## **1.7 Transactions with the Government as Owner**

### **Equity Injections**

Amounts appropriated which are designated as 'equity injections' for a year (less any formal reductions) and Departmental Capital Budgets (DCBs) are recognised directly in contributed equity in that year.

### **Restructuring of Administrative Arrangements**

Net assets received from or relinquished to another Australian Government entity under a restructuring of administrative arrangements are adjusted at their book value directly against contributed equity.

## Note 1: Summary of Significant Accounting Policies

### Other Distributions to Owners

The FMOs require that distributions to owners be debited to contributed equity unless it is in the nature of a dividend. In 2010-11, the Department of Finance and Deregulation and the ACMA agreed that no surplus output appropriation funding should be relinquished and returned to the Official Public Account. Last year, the ACMA was required to relinquish \$2,828,000 on 13 May 2010 under the Finance Minister's determination to reduce Departmental Appropriations.

### **1.8 Employee Benefits**

Liabilities for 'short-term employee benefits' (as defined in AASB 119 *Employee Benefits*) and termination benefits due within twelve months of end of reporting period are measured at their nominal amounts.

The nominal amount is calculated with regard to the rates expected to be paid on settlement of the liability.

Other long-term employee benefits are measured as net total of the present value of the defined benefit obligation at the end of the reporting period minus the fair value at the end of the reporting period of plan assets (if any) out of which the obligations are to be settled directly.

### Leave

The liability for employee benefits includes provision for annual leave and long service leave. No provision has been made for sick leave as all sick leave is non-vesting and the average sick leave taken in future years by employees of the ACMA is estimated to be less than the annual entitlement for sick leave.

The leave liabilities are calculated on the basis of employees' remuneration at the estimated salary rates that will be applied at the time the leave is taken, including the ACMA's employer superannuation contribution rates to the extent that the leave is likely to be taken during service rather than paid out on termination.

The liability for long service leave has been determined by reference to the short hand method prescribed by the Department of Finance and Deregulation's Finance Brief 13 Measurement of Commonwealth Sector Employee Leave Entitlements. The estimate of the present value of the liability takes into account attrition rates and pay increases through promotion and inflation.

### Separation and Redundancy

Provision is made for separation and redundancy benefit payments. The ACMA recognises a provision for termination when it has developed a detailed formal plan for the terminations and has informed those employees affected that it will carry out the terminations.

### Superannuation

The ACMA's staff are members of the Commonwealth Superannuation Scheme (CSS), the Public Sector Superannuation Scheme (PSS) or the PSS accumulation plan (PSSap).

The CSS and PSS are defined benefit schemes for the Australian Government. The PSSap is a defined contribution scheme.

The liability for defined benefits is recognised in the financial statements of the Australian Government and is settled by the Australian Government in due course. This liability is reported by the Department of Finance and Deregulation as an administered item.

The ACMA makes employer contributions to the employees' superannuation scheme at rates determined by an actuary to be sufficient to meet the current cost to the Government of the superannuation entitlements of the ACMA's employees. The ACMA accounts for the contributions as if they were contributions to defined contribution plans.

The ACMA makes contributions to other approved superannuation funds nominated by employees who have exercised their right to choose other funds. The contributions are made at a fixed rate to defined contribution schemes.

The liability for superannuation recognised as at 30 June represents outstanding contributions for the final fortnight of the year.

### **1.9 Leases**

A distinction is made between finance leases and operating leases. Finance leases effectively transfer from the lessor to the lessee substantially all the risks and rewards incidental to ownership of leased assets. An operating lease is a lease that is not a finance lease. In operating leases, the lessor effectively retains substantially all such risks and benefits.

Where an asset is acquired by means of a finance lease, the asset is capitalised at either the fair value of the lease property or, if lower, the present value of minimum lease payments at the inception of the contract and a liability is recognised at the same time and for the same amount.

The discount rate used is the interest rate implicit in the lease. Leased assets are amortised over the period of the lease. Lease payments are allocated between the principal component and the interest expense.

Operating lease payments are expensed on a straight-line basis which is representative of the pattern of benefits derived from the leased assets.



## Note 1: Summary of Significant Accounting Policies

### 1.10 Cash

Cash is recognised at its nominal amount. Cash and cash equivalents includes:

- a) cash on hand;
- b) cash held with outsiders, and
- c) cash in special accounts.

### 1.11 Financial Assets

The only category of financial assets held by the ACMA is "loans and receivables".

These financial assets are not interest bearing, and are recognised and derecognised upon trade date.

#### Loans and Receivables

Loans and other receivables that have fixed or determinable payments, not quoted in an active market are classified as 'loans and receivables'. Loans and receivables are measured at amortised cost using the effective interest method less impairment.

#### Impairment of Financial Assets

Financial assets are assessed for impairment at the end of each reporting period.

*Financial assets held at amortised cost* - if there is objective evidence that an impairment loss has been incurred for loans and receivables, the amount of the loss is measured as the difference between the asset's carrying amount and the present value of estimated future cash flows discounted at the asset's original effective interest rate. The carrying amount is reduced by way of an allowance account. The loss is recognised in the Statement of Comprehensive Income.

### 1.12 Financial Liabilities

The only category of financial liabilities in the ACMA are classified as "other financial liabilities".

Financial liabilities are recognised and derecognised upon trade date.

#### Other Financial Liabilities

Other financial liabilities are initially measured at fair value, net of transaction costs. These liabilities are subsequently measured at amortised cost using the effective interest method, with interest expense recognised on an effective yield basis.

The effective interest method is a method of calculating the amortised cost of a financial liability and of allocating interest expense over the relevant period. The effective interest rate is the rate that exactly discounts estimated future cash payments through the expected life of the financial liability, or, where appropriate, a shorter period.

Supplier and other payables are recognised at amortised cost. Liabilities are recognised to the extent that the goods or services have been received (and irrespective of having been invoiced).

### 1.13 Contingent Liabilities and Contingent Assets

Contingent liabilities and contingent assets are not recognised in the balance sheet but are reported in the relevant schedules and notes. They may arise from uncertainty as to the existence of a liability or asset or represent an asset or liability in respect of which the amount cannot be reliably measured. Contingent assets are disclosed when settlement is probable but not virtually certain and contingent liabilities are disclosed when settlement is greater than remote.

### 1.14 Acquisition of Assets

Assets are recorded at cost on acquisition except as stated below. The cost of acquisition includes the fair value of assets transferred in exchange and liabilities undertaken. Financial assets are initially measured at their fair value plus transaction costs where appropriate.

Assets acquired at no cost, or for nominal consideration, are initially recognised as assets and income at their fair value at the date of acquisition, unless acquired as a consequence of restructuring of administrative arrangements. In the latter case, assets are initially recognised as contributions by owners at the amounts at which they were recognised in the transferor's accounts immediately prior to the restructuring.

## Note 1: Summary of Significant Accounting Policies

### 1.15 Property, Plant and Equipment

#### Asset Recognition Threshold

Purchases of property, plant and equipment are recognised initially at cost in the balance sheet, except for purchases costing less than the applicable threshold, which are expensed in the year of acquisition (other than where they form part of a group of similar items which are significant in total). The asset thresholds have not been changed during the current financial year.

Asset Class	Threshold
Buildings	\$50,000
Leasehold improvements	\$50,000
Plant and equipment	\$5,000
Motor vehicles	\$20,000
Software - purchased	\$50,000
Software - internally developed	\$50,000

The initial cost of an asset includes an estimate of the cost of dismantling and removing the item and restoring the site on which it is located. This is particularly relevant to 'make good' provisions in property leases taken up by the ACMA where there exists an obligation to restore the property to its original condition. These costs are included in the value of the ACMA's leasehold improvements with a corresponding provision for the 'make good' recognised.

#### Revaluations

Fair values for each class of asset are determined as shown below, and have not changed during the current financial year:

Asset Class	Revaluation cycle	Fair Value Measured at
Land	Annually	Market selling price
Building	Tri-annually	Market selling price
Leasehold Improvements	Tri-annually	Market selling price or depreciated replacement cost
Plant & Equipment	Tri-annually	Market selling price or depreciated replacement cost
Motor Vehicles	Annually	Market selling price or depreciated replacement cost

Following initial recognition at cost, property plant and equipment are carried at fair value less subsequent accumulated depreciation and accumulated impairment losses. Valuations are conducted with sufficient frequency to ensure that the carrying amounts of assets do not differ materially from the assets' fair values as at the reporting date. The regularity of independent valuations depends upon the volatility of movements in market values for the relevant assets.

Revaluation adjustments are made on a class basis. Any revaluation increment is credited to equity under the heading of asset revaluation reserve except to the extent that it reverses a previous revaluation decrement of the same asset class that was previously recognised in the surplus/deficit. Revaluation decrements for a class of assets are recognised directly in the surplus/deficit except to the extent that they reverse a previous revaluation increment for that class.

Any accumulated depreciation as at the revaluation date is eliminated against the gross carrying amount of the asset and the asset restated to the revalued amount.

#### Depreciation

Depreciable property, plant and equipment assets are written-off to their estimated residual values over their estimated useful lives to the ACMA using, in all cases, the straight-line method of depreciation.

Depreciation rates (useful lives), residual values and methods are reviewed at each reporting date and necessary adjustments are recognised in the current, or current and future reporting periods, as appropriate.

Depreciation rates applying to each class of depreciable asset are based on the following useful lives, which are the same as last year:

Asset Class	Useful Life
Buildings	5 to 40 years
Leasehold Improvements	Lease term
Plant & Equipment	3 to 15 years
Motor vehicles	5 to 10 years

Land has indefinite useful life and is not depreciated.

#### Impairment

All assets were assessed for impairment at 30 June 2011. Where indications of impairment exist, the asset's recoverable amount is estimated and an impairment adjustment made if the asset's recoverable amount is less than its carrying amount.

The recoverable amount of an asset is the higher of its fair value less costs to sell and its value in use. Value in use is the present value of the future cash flows expected to be derived from the asset. Where the future economic benefit of an asset is not primarily dependent on the asset's ability to generate future cash flows, and the asset would be replaced if the ACMA were deprived of the asset, its value in use is taken to be its depreciated replacement cost.

#### Derecognition

An item of property, plant and equipment is derecognised upon disposal or when no further future economic benefits are expected from its use or disposal.

#### Note 1: Summary of Significant Accounting Policies

##### 1.16 Intangibles

The ACMA's intangibles comprise internally developed and purchased software for internal use. These assets are carried at cost less accumulated amortisation and accumulated impairment losses.

Software is amortised on a straight-line basis over its anticipated useful life. The useful lives of the ACMA's software are 3 to 10 years, and have not changed from previous years.

All software assets were assessed for indications of impairment as at 30 June 2011.

##### 1.17 Taxation / Competitive Neutrality

The ACMA is exempt from all forms of taxation except Fringe Benefits Tax (FBT) and the Goods and Services Tax (GST).

Revenues, expenses and assets are recognised net of GST except:

- where the amount of GST incurred is not recoverable from the Australian Taxation Office; and
- for receivables and payables.

##### Competitive Neutrality

The ACMA does not provide any services on a for profit basis and does not have any Competitive Neutrality obligations.

## **Note 1: Summary of Significant Accounting Policies**

### **1.18 Reporting of Administered Activities**

Administered revenues, expenses, assets, liabilities and cash flows are disclosed in the schedule of administered items and related notes.

Except where otherwise stated below, administered items are accounted for on the same basis and using the same policies as for departmental items, including the application of Australian Accounting Standards.

#### **Administered Cash Transfers to and from the Official Public Account**

Revenue collected by the ACMA for use by the Government rather than the ACMA is administered revenue. Collections are transferred to the Official Public Account (OPA) maintained by the Department of Finance and Deregulation. Conversely, cash is drawn from the OPA to make payments under Parliamentary appropriation on behalf of Government. These transfers to and from the OPA are adjustments to the administered cash held by the ACMA on behalf of the Government and reported as such in the statement of cash flows in the schedule of administered items and in the administered reconciliation table in Note 18. Thus the Schedule of Administered Items largely reflects the Government's transactions, through the ACMA, with parties outside the Government.

#### **Revenue**

All administered revenues are revenues relating to the course of ordinary activities performed by the ACMA on behalf of the Australian Government.

Contributions from industries in the form of taxes, industry levies and fines are recognised as revenue when, and only when:

- 1) The economic activity giving rise to the Government's right to the contribution has taken place; and
- 2) The liability to contribution can be reliably measured.

#### **Loans and Receivables**

Where loans and receivables are not subject to concessional treatment, they are carried at amortised cost using the effective interest method. Gains and losses due to impairment, derecognition and amortisation are recognised through profit or loss.

#### **Subsidies**

The ACMA administers the Universal Service Obligation and National Relay Service subsidy schemes on behalf of the Government.

Subsidy liabilities are recognised to the extent that:

- (i) the services required to be performed by the grantee have been performed or
- (ii) the grant eligibility criteria have been satisfied, but payments due have not been made.

## **Note 2: Events After the Reporting Period**

No event has occurred after the balance date that should be disclosed in these statements.

### Note 3: Expenses

	2011 \$'000	2010 \$'000
<b>Note 3A: Employee Benefits</b>		
Wages and salaries	49,648	45,137
Superannuation:		
Defined contribution plans	3,544	2,942
Defined benefit plans	5,865	5,967
Leave and other entitlements	9,228	7,772
Separation and redundancies	654	752
<b>Total employee benefits</b>	<b>68,939</b>	<b>62,570</b>
<b>Note 3B: Suppliers</b>		
<b>Goods and services</b>		
Consultants	2,290	3,975
Contractors	5,018	6,275
Outsourced services	4,919	4,988
Stationery and publications	805	1,496
Legal costs	757	1,009
Occupancy costs	2,550	2,429
I.T. and communications services	5,137	6,259
Travel costs	3,377	3,589
Other	4,763	4,906
<b>Total goods and services</b>	<b>29,616</b>	<b>34,926</b>
<b>Goods and services are made up of:</b>		
Provision of goods – related entities	2	5
Provision of goods – external parties	1,027	1,184
Rendering of services – related entities	1,499	1,295
Rendering of services – external parties	27,088	32,442
<b>Total goods and services</b>	<b>29,616</b>	<b>34,926</b>
<b>Other supplier expenses</b>		
Operating lease rentals – external parties:		
Minimum lease payments	5,280	5,589
Workers compensation expenses	315	579
<b>Total other supplier expenses</b>	<b>5,595</b>	<b>6,168</b>
<b>Total supplier expenses</b>	<b>35,211</b>	<b>41,094</b>

**Note 3: Expenses**

	2011 \$'000	2010 \$'000
<b>Note 3C: Depreciation and Amortisation</b>		
Depreciation:		
Buildings and leasehold improvements	1,946	1,084
Property, plant and equipment	2,553	2,243
<b>Total depreciation</b>	<b>4,499</b>	<b>3,327</b>
Amortisation:		
Intangibles	2,503	1,699
<b>Total amortisation</b>	<b>2,503</b>	<b>1,699</b>
<b>Total depreciation and amortisation</b>	<b>7,002</b>	<b>5,026</b>
<b>Note 3D: Write-Down and Impairment of Assets</b>		
Asset write-downs and impairments from:		
Impairment on financial instruments	1	3
Impairment of property, plant and equipment	63	333
Impairment on intangible assets	-	7
Revaluation decrement - property, plant and equipment	-	4
<b>Total write-down and impairment of assets</b>	<b>64</b>	<b>347</b>

**Note 4: Income**

	2011 \$'000	2010 \$'000
<b>REVENUE</b>		
<i><b>Note 4A: Sale of Goods and Rendering of Services</b></i>		
Provision of goods - related entities	52	118
Provision of goods - external parties	267	176
Rendering of services - related entities	(132)	89
Rendering of services - external parties	3	2
<b>Total sale of goods and rendering of services</b>	<b>190</b>	<b>385</b>
<i><b>Note 4B: Other Revenue</b></i>		
Number allocation charges	955	1,204
Other	139	220
<b>Total other revenue</b>	<b>1,094</b>	<b>1,424</b>
<b>GAINS</b>		
<i><b>Note 4C: Sale of Assets</b></i>		
Property, plant and equipment:		
Proceeds from sale	22	29
Carrying value of assets sold	(8)	(17)
<b>Net gain from sale of assets</b>	<b>14</b>	<b>12</b>
<i><b>Note 4D: Other Gains</b></i>		
Resources received free of charge	81	81
<b>Total other gains</b>	<b>81</b>	<b>81</b>
<b>REVENUE FROM GOVERNMENT</b>		
<i><b>Note 4E: Revenue from Government</b></i>		
Appropriations:		
Departmental outputs	98,935	108,223
<b>Total revenue from Government</b>	<b>98,935</b>	<b>108,223</b>

\*The entity received \$nil (2010:\$nil) under the Paid Parental Leave Scheme.

## Note 5: Financial Assets

	2011 \$'000	2010 \$'000
<b>Note 5A: Cash and Cash Equivalents</b>		
Cash on hand or on deposit	947	782
Cash held by outsiders	82	84
<b>Total cash and cash equivalents</b>	<b>1,029</b>	<b>866</b>
<b>Note 5B: Trade and Other Receivables</b>		
<b>Good and Services:</b>		
Goods and services - related entities	-	265
Goods and services - external parties	95	82
<b>Total receivables for goods and services</b>	<b>95</b>	<b>347</b>
<b>Appropriations receivable:</b>		
For existing outputs	30,368	24,508
For departmental supplementation	-	8,481
<b>Total appropriations receivable</b>	<b>30,368</b>	<b>32,989</b>
<b>Other receivables:</b>		
GST receivable from the Australian Taxation Office	645	686
Other	668	555
<b>Total other receivables</b>	<b>1,313</b>	<b>1,241</b>
<b>Total trade and other receivables (gross)</b>	<b>31,776</b>	<b>34,577</b>
Less impairment allowance account:		
Goods and services	52	51
<b>Total impairment allowance account</b>	<b>52</b>	<b>51</b>
<b>Total trade and other receivables (net)</b>	<b>31,724</b>	<b>34,526</b>
Receivables are expected to be recovered in:		
No more than 12 months	31,724	34,526
More than 12 months	-	-
<b>Total trade and other receivables (net)</b>	<b>31,724</b>	<b>34,526</b>
Receivables are aged as follows:		
Not overdue	31,685	34,230
Overdue by:		
0 to 30 days	28	82
31 to 60 days	10	211
61 to 90 days	1	3
More than 90 days	52	51
<b>Total receivables (gross)</b>	<b>31,776</b>	<b>34,577</b>
The impairment allowance account is aged as follows:		
Not overdue	-	-
Overdue by:		
0 to 30 days	-	-
31 to 60 days	-	-
61 to 90 days	-	-
More than 90 days	52	51
<b>Total impairment allowance account</b>	<b>52</b>	<b>51</b>



**Note 5: Financial Assets****Reconciliation of the Impairment Allowance Account:****Movements in relation to 2011**

	Goods and services \$'000	Total \$'000
Opening balance	51	51
Increase/ (decrease) recognised in net surplus	1	1
Closing balance	52	52

**Movements in relation to 2010**

	Goods and services \$'000	Total \$'000
Opening balance	58	58
Increase/ (decrease) recognised in net surplus	(7)	(7)
Closing balance	51	51

# **Note 6: Non-Financial Assets**

	2011 \$'000	2010 \$'000
<b>Note 6A: Land and Buildings</b>		
Land at fair value	7,440	7,790
Buildings on freehold land:		
Fair value	288	274
Accumulated depreciation	(15)	-
<b>Total buildings on freehold land</b>	<u>273</u>	<u>274</u>
Leasehold improvements:		
Fair value	7,548	4,052
Accumulated depreciation	(2,304)	(1,178)
<b>Total leasehold improvements</b>	<u>5,244</u>	<u>2,874</u>
<b>Total land and buildings</b>	<u>12,957</u>	<u>10,938</u>

No indicators of impairment were found for land and buildings.

Land was revalued by independent valuers in May 2011 in accordance with the revaluation policy stated at Note 1.15.

No land or buildings are expected to be sold or disposed of within the next 12 months.

## Note 6: Non-Financial Assets

	2011 \$'000	2010 \$'000
<b>Note 6B: Property, Plant and Equipment</b>		
Property, plant and equipment:		
Fair value	11,829	7,888
Accumulated depreciation	(2,693)	(164)
<b>Total Property, plant and equipment</b>	<b>9,136</b>	<b>7,724</b>

No indicators of impairment were found for property, plant and equipment.

No revaluations were conducted this year as a full valuation of all assets was conducted last year. Motor vehicles were not valued as they are not material. Refer to Note 1.15.

No property, plant or equipment is expected to be sold or disposed of within the next 12 months.

Movements on the revaluation reserves are as follows:

Asset Class	Increment (Decrement)	Increment (Decrement)
Land	(350)	50
Building	-	89
Leasehold Improvements	-	872
Plant and Equipment	-	411
Motor Vehicles	-	(4)

**Note 6: Non-Financial Assets**
**Note 6C: Reconciliation of the Opening and Closing Balances of Property, Plant and Equipment (2010-11)**

	Land \$'000	Buildings \$'000	Total land and buildings \$'000	Other property, plant & \$'000	Total \$'000
<b>As at 1 July 2010</b>					
Gross book value	7,790	4,326	12,116	7,888	20,004
Accumulated depreciation and impairment	-	(1,178)	(1,178)	(164)	(1,342)
<b>Net book value 1 July 2010</b>	<b>7,790</b>	<b>3,148</b>	<b>10,938</b>	<b>7,724</b>	<b>18,662</b>
Additions*	-	-	-	7,418	7,418
Revaluations and impairments recognised in other comprehensive income	(350)	-	(350)	-	(350)
Impairments recognised in the operating result	-	-	-	(63)	(63)
Depreciation expense	-	(1,946)	(1,946)	(2,553)	(4,499)
Reclassification	-	4,880	4,880	(3,306)	1,574
Disposals:	-	(565)	(565)	(84)	(649)
<b>Net book value 30 June 2011</b>	<b>7,440</b>	<b>5,517</b>	<b>12,957</b>	<b>9,136</b>	<b>22,093</b>
<b>Net book value as of 30 June 2011 represented by:</b>					
Gross book value	7,440	7,836	15,276	11,829	27,105
Accumulated depreciation and impairment	-	(2,319)	(2,319)	(2,693)	(5,012)
	<b>7,440</b>	<b>5,517</b>	<b>12,957</b>	<b>9,136</b>	<b>22,093</b>

\* Disaggregated additions information are disclosed in the Schedule of Asset Additions.

**Note 6C (Cont'd): Reconciliation of the Opening and Closing Balances of Property, Plant and Equipment (2009-10)**

	Land \$'000	Buildings \$'000	Total land and buildings \$'000	Other property, plant & equipment \$'000	Total \$'000
<b>As at 1 July 2009</b>					
Gross book value	7,740	5,479	13,219	9,837	23,056
Accumulated depreciation and impairment	-	(2,619)	(2,619)	(1,758)	(4,377)
<b>Net book value 1 July 2009</b>	<b>7,740</b>	<b>2,860</b>	<b>10,600</b>	<b>8,079</b>	<b>18,679</b>
Additions*	-	412	412	652	1,064
Revaluations and impairments recognised in other comprehensive income	50	961	1,011	411	1,422
Revaluations recognised in the operating result	-	-	-	(4)	(4)
Impairments recognised in the operating result	-	-	-	(333)	(333)
Depreciation expense	-	(1,084)	(1,084)	(2,243)	(3,327)
Reclassifications	-	-	-	1,179	1,179
Other movements (rounding)	-	(1)	(1)	-	(1)
Other	-	-	-	(17)	(17)
<b>Net book value 30 June 2010</b>	<b>7,790</b>	<b>3,148</b>	<b>10,938</b>	<b>7,724</b>	<b>18,662</b>
<b>Net book value as of 30 June 2010 represented by:</b>					
Gross book value	7,790	4,326	12,116	7,888	20,004
Accumulated depreciation and impairment	-	(1,178)	(1,178)	(164)	(1,342)
	<b>7,790</b>	<b>3,148</b>	<b>10,938</b>	<b>7,724</b>	<b>18,662</b>

\*Disaggregated additions information are disclosed in the Schedule of Asset Additions

## Note 6: Non-Financial Assets

	2011 \$'000	2010 \$'000
<b>Note 6D: Intangibles</b>		
Computer software:		
Internally developed – in progress	5,728	3,900
Internally developed – in use	16,559	15,247
Purchased	9,469	7,106
<b>Total computer software (gross)</b>	<b>31,756</b>	<b>26,253</b>
Accumulated amortisation	(19,541)	(17,099)
<b>Total computer software (net)</b>	<b>12,215</b>	<b>9,154</b>
<b>Total intangibles</b>	<b>12,215</b>	<b>9,154</b>

No indicators of impairment were found for intangible assets.

No intangibles are expected to be sold or disposed of within the next 12 months.

## Note 6: Non-Financial Assets

### Note 6E: Reconciliation of the Opening and Closing Balances of Intangibles (2010-11)

	Computer software internally developed \$'000	Computer software purchased \$'000	Total \$'000
<b>As at 1 July 2010</b>			
Gross book value	19,147	7,106	26,253
Accumulated amortisation and impairment	(12,838)	(4,261)	(17,099)
<b>Net book value 1 July 2010</b>	<b>6,309</b>	<b>2,845</b>	<b>9,154</b>
Additions*	7,137	-	7,137
Amortisation	(1,087)	(1,416)	(2,503)
Reclassifications	(3,997)	2,423	(1,574)
Roundings	1	-	-
<b>Net book value 30 June 2011</b>	<b>8,363</b>	<b>3,852</b>	<b>12,215</b>
<b>Net book value as of 30 June 2011 represented by:</b>			
Gross book value	22,287	9,469	31,756
Accumulated amortisation and impairment	(13,924)	(5,617)	(19,541)
	<b>8,363</b>	<b>3,852</b>	<b>12,215</b>

\* Disaggregated additions information are disclosed in the Schedule of Asset Additions.

### Note 6E (Cont'd): Reconciliation of the Opening and Closing Balances of Intangibles (2009-10)

	Computer \$'000	software \$'000	Total \$'000
<b>As at 1 July 2009</b>			
Gross book value	15,848	4,596	20,444
Accumulated amortisation and impairment	(11,829)	(3,629)	(15,458)
<b>Net book value 1 July 2009</b>	<b>4,019</b>	<b>967</b>	<b>4,986</b>
Additions*			
By purchase		2,547	2,547
Internally developed	4,507		4,507
Impairments recognised in the operating result	-	(7)	(7)
Amortisation	(1,009)	(690)	(1,699)
Reclassifications	(1,208)	29	(1,179)
Other movements (roundings)		(1)	(1)
<b>Net book value 30 June 2010</b>	<b>6,308</b>	<b>2,845</b>	<b>9,153</b>
<b>Net book value as of 30 June 2010 represented by:</b>			
Gross book value	19,147	7,106	26,253
Accumulated amortisation and impairment	(12,838)	(4,261)	(17,099)
	<b>6,309</b>	<b>2,845</b>	<b>9,154</b>

\* Disaggregated additions information are disclosed in the Schedule of Asset Additions.

# **Note 6: Non-Financial Assets**

	2011 \$'000	2010 \$'000
<b>Note 6F: Other Non-Financial Assets</b>		
Prepaid expenses	<u>1,274</u>	<u>1,826</u>
<b>Total other non-financial assets</b>	<u>1,274</u>	<u>1,826</u>
No indicators of impairment were found for other non-financial assets.		
Total other non-financial assets - are expected to be recovered in:		
No more than 12 months	<u>1,274</u>	<u>1,826</u>
<b>Total other non-financial assets</b>	<u>1,274</u>	<u>1,826</u>

## Note 7: Payables

	2011 \$'000	2010 \$'000
<b>Note 7A: Suppliers</b>		
Trade creditors and accruals	5,518	7,008
Operating lease rentals	150	1,432
<b>Total supplier payables</b>	<b>5,668</b>	<b>8,440</b>
Supplier payables expected to be settled within 12 months:		
External parties	5,521	7,266
<b>Total</b>	<b>5,521</b>	<b>7,266</b>
Supplier payables expected to be settled in greater than 12 months:		
External parties	147	1,174
<b>Total</b>	<b>147</b>	<b>1,174</b>
<b>Total supplier payables</b>	<b>5,668</b>	<b>8,440</b>
Settlement is usually made within 30 days.		
<b>Note 7B: Other Payables</b>		
Salaries and wages	2,327	1,795
Superannuation	217	173
Separations and redundancies	246	276
Other	10	10
<b>Total other payables</b>	<b>2,800</b>	<b>2,254</b>
Other payables are expected to be settled in:		
No more than 12 months	2,800	2,254
<b>Total other payables</b>	<b>2,800</b>	<b>2,254</b>



**Note 8: Provisions**

	2011 \$'000	2010 \$'000
<b>Note 8A: Employee Provisions</b>		
Leave	16,064	15,553
<b>Total employee provisions</b>	<b>16,064</b>	<b>15,553</b>

Employee provisions are expected to be settled in:

No more than 12 months	13,180	12,839
More than 12 months	2,884	2,714
<b>Total employee provisions</b>	<b>16,064</b>	<b>15,553</b>

**Note 8B: Other Provisions**

Provision for restoration obligations	1,856	1,568
<b>Total other provisions</b>	<b>1,856</b>	<b>1,568</b>

Other provisions are expected to be settled in:

More than 12 months	1,856	1,568
<b>Total other provisions</b>	<b>1,856</b>	<b>1,568</b>

**Reconciliation of the Other Provisions Account:**

	Provision for restoration \$'000	Total \$'000
Carrying amount 1 July 2010	1,568	1,568
Additional provisions made	288	288
Amounts used	-	-
Revaluation of restoration obligation	-	-
<b>Closing balance 30 June 2011</b>	<b>1,856</b>	<b>1,856</b>

The ACMA currently has 4 (2010 : 6) agreements for the leasing of premises which have provisions requiring the ACMA to restore the premises to their original condition at the conclusion of the lease. The ACMA revalues the restoration obligation each year using the market value of the obligation at reporting date.

## Note 9: Cash Flow Reconciliation

	2011 \$'000	2010 \$'000
<b>Reconciliation of cash and cash equivalents as per Balance Sheet to Cash Flow Statement</b>		
<b>Cash and cash equivalents as per:</b>		
Cash flow statement	1,029	866
Balance sheet	1,029	866
<b>Difference</b>	<b>-</b>	<b>-</b>
<b>Reconciliation of net cost of services to net cash from operating activities:</b>		
Net cost of services	(109,837)	(107,135)
Add revenue from Government	98,935	108,223
<b>Adjustments for non-cash items</b>		
Depreciation / amortisation	7,002	5,026
Net write down of non-financial assets	64	344
Loss (Gain) on disposal of assets	-	(12)
<b>Changes in assets / liabilities</b>		
(Increase) / decrease in net receivables	5,208	(2,437)
(Increase) / decrease in prepayments	552	(183)
Increase / (decrease) in supplier payables	( 2,772)	(1,317)
Increase / (decrease) in other payable	546	31
Increase / (decrease) in employee provisions	511	288
Increase / (decrease) in other provisions	288	(24)
<b>Net cash used from operating activities</b>	<b>497</b>	<b>2,804</b>

#### Note 10: Contingent Assets and Liabilities

	Claims for damages or costs		Total	
	2011 \$'000	2010 \$'000	2011 \$'000	2010 \$'000
<b>Contingent assets</b>				
Balance from previous period	250	-	250	-
New	-	250	-	250
Expired	( 250)	-	(250)	-
<b>Total contingent assets</b>	-	250	-	250
<b>Contingent liabilities</b>				
Balance from previous period	75	-	75	-
New	-	75	-	75
Obligations expired	(75)	-	(75)	-
<b>Total contingent liabilities</b>	-	75	-	75
<b>Net contingent assets</b>	-	175	-	175

#### *Quantifiable Contingencies*

The Schedule of Contingencies reports contingent assets in respect of claims for damages for 2010/11 are \$ nil (2010: \$250,000).

The Schedule also reports contingent liabilities in respect of claims for damages or cost for 2010/11 are \$ nil (2010: \$75,000).

#### *Unquantifiable Contingencies*

At 30 June 2011, the ACMA is involved in a number of legal proceedings, mostly of an administrative law nature, although some involved civil proceedings or prosecutions actioned by the ACMA. It is not possible to estimate the amounts of any eventual payments that may be required in relation to these claims.

#### *Significant Remote Contingencies*

The ACMA has no remote contingencies as at 30 June 2011 (2010: nil ).

## Note 11: Senior Executive and Member's Remuneration

### Note 11A: Senior Executive and Member's Remuneration Expense for the Reporting Period

	2011 \$'000	2010 \$'000
<b>Short-term employee benefits:</b>		
Salary	4,113,658	3,543,062
Annual leave accrued	367,563	305,266
Performance bonuses	246,052	289,374
Other	644,696	576,146
<b>Total short-term employee benefits</b>	<b>5,371,969</b>	<b>4,713,848</b>
<b>Post-employment benefits:</b>		
Superannuation	1,036,439	713,045
<b>Total post-employment benefits</b>	<b>1,036,439</b>	<b>713,045</b>
<b>Other long-term benefits:</b>		
Long-service leave	119,841	99,504
<b>Total other long-term benefits</b>	<b>119,841</b>	<b>99,504</b>
Termination benefits	86,418	-
<b>Total</b>	<b>6,614,667</b>	<b>5,526,397</b>

**Notes:**

- Note 11A was prepared on an accrual basis (so the performance bonus expenses disclosed above differ from the cash 'Bonus paid' in Note 11B).
- Note 11A excludes acting arrangements and part-year service where remuneration expensed for a senior executive was less than \$150,000.
- "Other" includes motor vehicles allowances and other allowances.
- In previous years, the ACMA has disclosed the member's remuneration as a separate table, this is no longer a requirement and the tables have been merged into one.

**Note 11B: Average Annual Remuneration Packages and Bonus Paid for Substantive Senior Executives and Members as at the end of the Reporting Period**

Fixed Elements and Bonus Paid <sup>1</sup>	as at 30 June 2011						as at 30 June 2010					
	Fixed elements					Bonus paid <sup>2</sup>	Fixed elements					
	Senior Executives	No.	Salary	Allowances	Total		Senior Executives	No.	Salary	Allowances	Total	
Total remuneration (including part-time arrangements):												
less than \$150,000		5	-	-	-	-		5	-	-	-	-
\$180,000 to \$209,999		9	181,288	26,074	207,362	15,354		12	174,216	24,803	199,019	14,788
\$210,000 to \$239,999		6	187,328	28,296	215,624	15,167		3	188,681	24,387	213,068	13,665
\$240,000 to \$269,999		8	230,406	26,838	257,244	13,764		7	224,614	24,149	248,763	13,951
\$270,000 to \$299,999		1	292,380	-	292,380	-		-	-	-	-	-
\$300,000 to \$329,999		1	317,670	-	317,670	-		1	305,150	-	305,150	-
\$400,000 to \$439,999		1	413,730	24,360	438,090	-		1	397,430	23,400	420,830	-
Total		31						29				

**Notes:**

1. This table reports substantive senior executives who were employed by the ACMA at the end of the reporting period. Fixed elements were based on the employment agreement of each individual. Each row represents an average annualised figure (based on headcount) for the individuals in that remuneration package band (i.e. the 'Total' column).
2. This represents average actual bonuses paid during the reporting period in that remuneration package band. The 'Bonus paid' was excluded from the 'Total' calculation, (for the purpose of determining remuneration package bands). The 'Bonus paid' within a particular band may vary between financial years due to various factors such as individuals commencing with or leaving the ACMA during the financial year.
3. In previous years, the ACMA has disclosed the member's remuneration as a separate table, this is no longer a requirement and the tables have been merged into one. Members Remunerations are set by the Remuneration Tribunal and this table includes the full time member's annual packages. The part time members, who are paid at a daily rate and not entitled to an annual package, have been included in this table at nil entitlement.

**Note 11B: Average Annual Remuneration Packages and Bonus Paid for Substantive Senior Executives and Members as at the end of the Reporting Period**

**Variable Elements:**

With the exception of bonuses, variable elements were not included in the 'Fixed Elements and Bonus Paid' table above. The following variable elements were available as part of senior executives' remuneration package:

- (a) Bonuses:
  - Bonuses were based on the performance rating of each individual. The maximum bonus that an individual can receive were 15 per cent of their base salary.
- (b) On average senior executives were entitled to the following leave entitlements:
  - Annual Leave (AL): entitled to 20 days (2010: 20 days) each full year worked (pro-rata for part-time SES);
  - Personal Leave (PL): entitled to 20 days (2010: 20 days) each full year worked (pro-rata for part-time SES); and
  - Long Service Leave (LSL): in accordance with the *Long Service Leave (Commonwealth Employees) Act 1976*.
- (c) Senior executives were members of one of the following superannuation funds:
  - Commonwealth Superannuation Scheme (CSS): this scheme is closed to new members; and employer contributions averaged 22.2 per cent (2010: 25.2 per cent) (including productivity component)
  - Public Sector Superannuation Scheme (PSS) : this is scheme is closed to new members; with current employer contributions averaged 17.2 per cent (2010: 16.8 per cent) (including productivity component)
  - Public Sector Superannuation Accumulation Plan (PSSap): employer contributions were set at 17.2 percent (2010: 16.8 per cent) (including productivity component)
- (d) Others:
  - Various salary sacrifice arrangements were available to senior executives including super, motor vehicle and expense payment fringe benefits.

**Note 11C: Other Highly Paid Staff**

During the reporting period, there were no employees whose salary plus performance bonus were \$150,000 or more. These employees did not have a role as senior executive and were, therefore, not disclosed as senior executives in Note 11A and Note 11B.

**Note 12: Remuneration of Auditors**

2011 \$'000	2010 \$'000
----------------	----------------

Financial statement audit services were provided free of charge to the ACMA.

The fair value of the services provided was:

2010/2011 financial audit by ANAO or its representative	<u>81</u>	<u>81</u>
	<u>81</u>	<u>81</u>

No other services were provided by the auditors of the financial statements.

**Note 13: Financial Instruments**

	2011 \$'000	2010 \$'000
<b>Note 13A: Categories of Financial Instruments</b>		
<b>Financial Assets</b>		
Loans and receivables:		
Cash and cash equivalents	1,029	866
Trade receivables (gross)	95	347
<b>Total</b>	<b>1,124</b>	<b>1,213</b>
<b>Carrying amount of financial assets</b>	<b>1,072</b>	<b>1,162</b>
<b>Financial Liabilities</b>		
At amortised cost:		
Trade payables	5,518	7,008
<b>Total</b>	<b>5,518</b>	<b>7,008</b>
<b>Carrying amount of financial liabilities</b>	<b>5,518</b>	<b>7,008</b>

**Note 13B: Net Income and Expense from Financial Assets**

Trade receivables are short term and non interest bearing. There is no income or expense from these assets.

**Note 13C: Fair Value of Financial Instruments**

All financial assets and liabilities are short term trade receivables and payables the carrying amounts of which are reasonable approximation of fair value.



## Note 13: Financial Instruments

### Note 13D: Credit Risk

The ACMA is exposed to minimal credit risk as loans and receivables are cash and trade receivables. The maximum exposure to credit risk is the risk that arises from potential default of a debtor. This amount is equal to the total amount of trade receivables (2011: \$95,000 and 2010: \$347,000). The ACMA has assessed the risk of the default on payment and has allocated \$52,000 in (2010: \$51,000) to an impairment allowance account.

The ACMA manages its credit risk by restricting the provision of goods and services on credit to pre-approved credit clients only. Credit limits granted to approved clients are re-assessed at least annually to ensure that the ACMA is not exposed to unacceptable credit risk.

The ACMA holds no collateral to mitigate against credit risk.

#### Credit quality of financial instruments not past due or individually determined as impaired

	Not past due nor impaired 2011 \$'000	Not past due nor impaired 2010 \$'000	Past due or impaired 2011 \$'000	Past due or impaired 2010 \$'000
Loans and receivables				
Cash and cash equivalents	1,029	866	-	-
Trade receivables	4	-	91	347
<b>Total</b>	<b>1,033</b>	<b>866</b>	<b>91</b>	<b>347</b>

#### Ageing of financial assets that were past due but not impaired for 2011

	0 to 30 days \$'000	31 to 60 days \$'000	61 to 90 days \$'000	90+ days \$'000	Total \$'000
Loans and receivables					
Trade receivables	28	10	1	-	39
<b>Total</b>	<b>28</b>	<b>10</b>	<b>1</b>	<b>-</b>	<b>39</b>

#### Ageing of financial assets that were past due but not impaired for 2010

	0 to 30 days \$'000	31 to 60 days \$'000	61 to 90 days \$'000	90+ days \$'000	Total \$'000
Loans and receivables					
Trade receivables	82	211	3	-	296
<b>Total</b>	<b>82</b>	<b>211</b>	<b>3</b>	<b>-</b>	<b>296</b>

**Note 13: Financial Instruments*****Note 13E: Liquidity Risk***

The ACMA's financial liabilities are payables. The exposure to liquidity risk is based on the notion that the ACMA will encounter difficulty in meeting its obligations associated with financial liabilities.

This is highly unlikely as the ACMA is appropriated funding from the Australian Government and the ACMA manages its budgeted funds to ensure it has adequate funds to meet payments as they fall due. In addition, the ACMA has policies in place to ensure timely payment are made when due and has no past experience of default.

**Maturities for non-derivative financial liabilities 2011**

	within 1 year \$'000	1 to 2 years \$'000	Total \$'000
<b>Other Liabilities</b>			
Trade payables	5,518	-	5,518
<b>Total</b>	<b>5,518</b>	<b>-</b>	<b>5,518</b>

**Maturities for non-derivative financial liabilities 2010**

	within 1 year \$'000	1 to 2 years \$'000	Total \$'000
<b>Other Liabilities</b>			
Trade payables	7,008	-	7,008
<b>Total</b>	<b>7,008</b>	<b>-</b>	<b>7,008</b>

The ACMA has no derivative financial liabilities in both the current and prior financial year.

***Note 13F: Market Risk***

The ACMA holds basic financial instruments that do not expose the ACMA to certain market risks including currency risk, other price risk and interest rate risk.

**Note 14: Income Administered on Behalf of Government**

	2011 \$'000	2010 \$'000
<b>REVENUE</b>		
<b>Taxation Revenue</b>		
<i><b>Note 14A: Other Taxes</b></i>		
Broadcasting licence fees	150,449	241,425
Radiocommunications taxes	161,885	153,896
Telecommunication numbering charges	60,000	60,000
<b>Total other taxes</b>	<b>372,334</b>	<b>455,321</b>
<b>Non-Taxation Revenue</b>		
<i><b>Note 14B: Sale of Goods and Rendering of Services</b></i>		
Rendering of services – external parties	3,156	2,611
<b>Total sale of goods and rendering services</b>	<b>3,156</b>	<b>2,611</b>
<i><b>Note 14C: Fees and Fines</b></i>		
Licence fees (excluding broadcasting)	40,930	42,270
Fines and Penalties	189	23,337
<b>Total fees and fines</b>	<b>41,119</b>	<b>65,607</b>
<i><b>Note 14D: Other Revenue</b></i>		
Industry contributions	160,654	161,035
<b>Total other revenue</b>	<b>160,654</b>	<b>161,035</b>
<b>GAINS</b>		
<i><b>Note 14E: Sale of Assets</b></i>		
Intangibles:		
Proceeds from sale	2,863	3,109
<b>Total net gain from sale of assets</b>	<b>2,863</b>	<b>3,109</b>
<i><b>Note 14F: Reversal of Previous Asset Write-Downs and Impairments</b></i>		
Reversal of impairment losses	9	-
<b>Total reversals of previous asset write-downs and impairments</b>	<b>9</b>	<b>-</b>

**Note 15: Expenses Administered on Behalf of Government**

	2011 \$'000	2010 \$'000
<b>EXPENSES</b>		
<b><i>Note 15A: Subsidies</i></b>		
Payable to external parties	<u>161,343</u>	<u>160,622</u>
<b>Total subsidies</b>	<u>161,343</u>	<u>160,622</u>
 <b><i>Note 15B: Write-Down and Impairment of Assets</i></b>		
Asset write-downs and impairments from:		
Impairment on financial instruments	<u>46</u>	<u>22,635</u>
<b>Total write-down and impairment of assets</b>	<u>46</u>	<u>22,635</u>

**Note 16: Assets Administered on Behalf of Government**

	2011 \$'000	2010 \$'000
<b>FINANCIAL ASSETS</b>		
<i><b>Note 16A: Cash and Cash Equivalents</b></i>		
Special accounts	375	870
Cash on hand or on deposit	33	24
<b>Total cash and cash equivalents</b>	<b>408</b>	<b>894</b>
<i><b>Note 16B: Taxation Receivables</b></i>		
Other taxes	159,623	329,393
<b>Total taxation receivables (gross)</b>	<b>159,623</b>	<b>329,393</b>
Less: impairment allowance account		
Other taxes	949	949
<b>Total taxation receivables (net)</b>	<b>158,674</b>	<b>328,444</b>
Receivables are expected to be recovered in:		
No more than 12 months	158,674	328,444
More than 12 months	-	-
<b>Total trade and other receivables (net)</b>	<b>158,674</b>	<b>328,444</b>
Taxation receivables were aged as follows:		
Not overdue	153,983	325,713
Overdue by:		
0 to 30 days	460	2,728
31 to 60 days	4,229	(2)
61 to 90 days	2	7
More than 90 days	949	947
<b>Total taxation receivables (gross)</b>	<b>159,623</b>	<b>329,393</b>
The impairment allowance account is aged as follows:		
Not overdue	-	-
Overdue by:		
0 to 30 days	-	-
31 to 60 days	-	-
61 to 90 days	-	-
More than 90 days	949	949
<b>Total impairment allowance account</b>	<b>949</b>	<b>949</b>

**Note 16: Assets Administered on Behalf of Government**

	2011 \$'000	2010 \$'000
<b>Note 16C: Receivables</b>		
<b>Goods and services:</b>		
Goods and services receivable - external parties	371	352
<b>Total receivables for goods and services</b>	<b>371</b>	<b>352</b>
<b>Other receivables:</b>		
Fees, charges and other revenues	44,861	33,653
Fines	19,741	22,250
GST receivable from Australian Taxation Office	-	351
<b>Total other receivables</b>	<b>64,602</b>	<b>56,254</b>
<b>Total receivables (gross)</b>	<b>64,973</b>	<b>56,606</b>
Less: impairment allowance account		
Other receivables	26,784	29,331
<b>Total receivables (net)</b>	<b>38,189</b>	<b>27,275</b>
Receivables are expected to be recovered in:		
No more than 12 months	38,189	27,275
<b>Total trade and other receivables (net)</b>	<b>38,189</b>	<b>27,275</b>
Receivables were aged as follows:		
Not overdue	37,698	27,097
Overdue by:		
0 to 30 days	341	141
31 to 60 days	143	16
61 to 90 days	15	21
More than 90 days	26,776	29,331
<b>Total receivables (gross)</b>	<b>64,973</b>	<b>56,606</b>
The impairment allowance account is aged as follows:		
Not overdue	-	-
Overdue by:		
0 to 30 days	-	-
31 to 60 days	-	-
61 to 90 days	8	-
More than 90 days	26,776	29,331
<b>Total impairment allowance account</b>	<b>26,784</b>	<b>29,331</b>

Goods and services receivables are with entities external to the Australian Government. Credit terms granted to receivables vary dependant on legislation.

**Note 16: Assets Administered on Behalf of Government****Reconciliation of the Impairment Allowance Account:  
Movements in relation to 2011**

	Taxation receivables	Other receivables	Total
	\$'000	\$'000	\$'000
Opening balance	949	29,331	30,280
Amounts written off	(1)	(2,592)	(2,593)
Amounts recovered and reversed	-	-	-
Increase/(decrease) recognised in net surplus	1	45	46
Closing balance	949	26,784	27,733

**Movements in relation to 2010**

	Taxation receivables	Other receivables	Total
	\$'000	\$'000	\$'000
Opening balance	1,375	8,740	10,115
Amounts written off	(218)	(2,252)	(2,470)
Amounts recovered and reversed	(23)	(19)	(42)
Increase/(decrease) recognised in net surplus	(185)	22,862	22,677
Closing balance	949	29,331	30,280

**Note 16D: Other Financial Assets**

Accrued Revenues	-	26
<b>Total other financial assets</b>	-	26
Other financial assets are expected to be recovered in:		
No more than 12 months	-	26
More than 12 months	-	-
<b>Total other financial assets</b>	-	26

**Note 17: Liabilities Administered on Behalf of Government**

	2011 \$'000	2010 \$'000
<b>PAYABLES</b>		
<b><i>Note 17A: Subsidies</i></b>		
Payable to external entities	5	-
<b>Total subsidies</b>	<u>5</u>	<u>-</u>
Subsidies are expected to be settled in:		
No more than 12 months	5	-
<b>Total subsidies</b>	<u>5</u>	<u>-</u>
<b><i>Note 17B: Other Payables</i></b>		
Prepayments received/unearned income	3,290	2,419
Other	417	531
<b>Total other payables</b>	<u>3,707</u>	<u>2,950</u>
Other payables are expected to be settled in:		
No more than 12 months	3,707	2,950
<b>Total other payables</b>	<u>3,707</u>	<u>2,950</u>



**Note 18: Administered Reconciliation Table**

	2011 \$'000	2010 \$'000
<b>Opening administered assets less administered liabilities as at 1 July</b>	<b>353,689</b>	348,873
Plus: Administered income	580,135	687,683
Less: Administered expenses (non CAC)	(161,389)	(183,257)
Administered transfers to/from Australian Government:		
Appropriation transfers from OPA	9,106	10,550
Transfers to the OPA	(587,982)	(510,160)
<b>Closing administered assets less administered liabilities as at 30 June</b>	<b>193,559</b>	353,689

**Note 19: Administered Contingent Assets and Liabilities**

	Civil Penalty		Total	
	2011 \$'000	2010 \$'000	2011 \$'000	2010 \$'000
<b>Contingent assets</b>				
New	-	1,000	-	1,000
<b>Total contingent assets</b>	-	1,000	-	1,000
<b>Net contingent assets</b>	-	1,000	-	1,000

***Quantifiable Contingencies***

The schedule of Administered contingencies reports a contingent asset as at 30 June 2011 in respect of civil penalty of \$ Nil (2010: \$1,000,000). The amount represents an estimate of the outcome of court judgement based on precedent cases. The ACMA has no contingent liability as at 30 June 2011 (2010: nil).

***Unquantifiable Contingencies***

The ACMA has no unquantifiable contingencies as at 30 June 2011 (2010: nil).

***Significant Remote Contingencies***

The ACMA has no remote contingencies as at 30 June 2011 (2010: nil).

**Note 20: Administered Financial Instruments**

	2011 \$'000	2010 \$'000
<b>Note 20A: Categories of Financial Instruments</b>		
<b>Loans and receivables:</b>		
Cash and cash equivalents	408	894
Goods and services receivables	371	352
Fees, charges and other revenue receivables	44,861	33,653
<b>Total</b>	<b>45,640</b>	<b>34,899</b>
<b>Carrying amount of financial assets</b>	<b>18,856</b>	<b>5,568</b>
<b>Financial Liabilities</b>		
At amortised cost:		
Subsidies payable	5	-
<b>Total</b>	<b>5</b>	<b>-</b>
<b>Carrying amount of financial liabilities</b>	<b>5</b>	<b>-</b>

**Note 20B: Net Income and Expense from Financial Assets**

All loans and receivables are short term and non interest bearing. There is no income or expense from these assets (2010: nil)

**Note 20C: Net Income and Expense from Financial Liabilities**

All financial liabilities are short term and non interest bearing. There is no income or expense from financial liabilities (2010: nil)

**Note 20D: Fair Value of Financial Instruments**

All financial assets and liabilities are short term trade receivables and payables the carrying amounts of which are reasonable approximation of fair value.

## Note 20: Administered Financial Instruments

### Note 20E: Credit Risk

The ACMA is exposed to minimal credit risk as loans and receivables are cash and trade receivables. The maximum exposure to credit risk is the risk that arises from potential default of a debtor. This amount is equal to the total amount of trade receivables (2011: \$45,232,000 and 2010: \$34,005,000). The ACMA has assessed the risk of the default on payment and has allocated \$27,733,000 in 2011 (2010: \$30,280,000) to an impairment allowance account.

The ACMA manages its credit risk by restricting the provision of goods and services on credit to pre-approved credit clients only. Credit limits granted to approved clients are re-assessed at least annually to ensure that the ACMA is not exposed to unacceptable credit risk.

The ACMA holds no collateral to mitigate against credit risk.

### Credit quality of financial instruments not past due or individually determined as impaired

	Not past due nor impaired 2011 \$'000	Not past due nor impaired 2010 \$'000	Past due or impaired 2011 \$'000	Past due or impaired 2010 \$'000
Loans and receivables				
Cash and cash equivalents	408	894	-	-
Other receivables	17,957	4,496	27,275	29,509
Total	18,365	5,390	27,275	29,509

### Ageing of financial assets that were past due but not impaired for 2011

	0 to 30 days \$'000	31 to 60 days \$'000	61 to 90 days \$'000	90+ days \$'000	Total \$'000
Loans and receivables					
Other receivables	341	143	7	-	491
Total	341	143	7	-	491

### Ageing of financial assets that were past due but not impaired for 2010

	0 to 30 days \$'000	31 to 60 days \$'000	61 to 90 days \$'000	90+ days \$'000	Total \$'000
Loans and receivables					
Other receivables	141	16	21	-	178
Total	141	16	21	-	178

**Note 20: Administered Financial Instruments****Note 20F: Liquidity Risk**

The ACMA's financial liabilities are payables. The exposure to liquidity risk is based on the notion that the ACMA will encounter difficulty in meeting its obligations associated with financial liabilities.

This is highly unlikely as the ACMA is appropriated funding from the Australian Government and the ACMA manages its budgeted funds to ensure it has adequate funds to meet payments as they fall due. In addition, the ACMA has policies in place to ensure timely payments are made when due and has no past experience of default.

**Maturities for non-derivative financial liabilities 2011**

	within 1 year \$'000	1 to 2 years \$'000	Total \$'000
<b>Other Liabilities</b>			
Subsidies Payable	5	-	5
<b>Total</b>	<b>5</b>	<b>-</b>	<b>5</b>

**Maturities for non-derivative financial liabilities 2010**

	within 1 year \$'000	1 to 2 years \$'000	Total \$'000
<b>Other Liabilities</b>			
Subsidies Payable	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>

The ACMA has no derivative financial liabilities in both the current and prior financial year.

**Note 20G: Market Risk**

The ACMA holds basic financial instruments that are non-interest bearing and have no exposure to market risks.

**Note 21: Appropriations**

**Table A: Annual Appropriations (Recoverable GST exclusive)**

	2011 Appropriations				Appropriation applied in 2011 (current and prior years) \$'000	Variance \$'000	
	Appropriation Act	FMA Act		Total appropriation \$'000			
		Annual Appropriation \$'000	Section 30 \$'000				Section 31 \$'000
DEPARTMENTAL							
Ordinary annual services	118,039	46	954	119,039	(106,337)	12,702	
Other services	5,357			5,357	(12,087)	(6,730)	
Equity	123,396	46	954	124,396	(118,424)	5,972	
Total departmental							

**Notes:**

(a) Appropriations reduced under Appropriation Acts (No.1,3,5) 2010-11: sections 10, 11, 12 and 15 and under Appropriation Acts (No.2,4,6) 2010-11: sections 12, 13, 14 and 17. Departmental appropriations do not lapse at financial year-end. However, the responsible Minister may decide that part or all of a departmental appropriation is not required and request that the Finance Minister reduce that appropriation. The reduction in the appropriation is effected by the Finance Minister's determination and is disallowable by Parliament.

(b) Departmental appropriations do not lapse at financial year. Prior year appropriations are utilised before the current year's appropriations.

	2010 Appropriations				Appropriation applied in 2010 (current and prior years) \$'000	Variance \$'000
	FMA Act			Total appropriation \$'000		
	Appropriation Act	Section 30 \$'000	Section 31 \$'000			
	Annual Appropriation \$'000					
DEPARTMENTAL						
Ordinary annual services	99,742	59	1,703	101,504	(104,737)	(3,233)
Other services	1,406			1,406	(8,119)	(6,713)
Equity	2,303			2,303	-	2,303
Previous years' outputs	103,451	59	1,703	105,213	(112,856)	(7,643)
Total departmental						

**Notes:**

(a) Appropriations reduced under Appropriation Acts (No.1,3) 2009-10: sections 10, 11 and 12 and under Appropriation Acts (No.2,4) 2009-10: sections 12, 13 and 14. Departmental appropriations do not lapse at financial year-end. However, the responsible Minister may decide that part or all of a departmental appropriation is not required and request that the Finance Minister reduce that appropriation. The reduction in the appropriation is effected by the Finance Minister's determination and is disallowable by Parliament.

(b) Departmental appropriations do not lapse at financial year-end. Prior year appropriations are utilised before the current year's appropriations.

**Note 21: Appropriations**

**Table B: Unspent Departmental Annual Appropriations ('Recoverable GST exclusive')**

Authority	2011 \$'000	2010 \$'000
<i>Appropriation Act (No. 1) 2005-2006 as passed</i>	-	5,135
<i>Appropriation Act (No. 1) 2007-2008 as passed</i>	-	2,940
<i>Appropriation Act (No. 1) 2008-2009 as passed</i>	-	-
<i>Appropriation Act (No. 1) 2009-2010 as passed</i>	-	4,391
<i>Appropriation Act (No. 1) 2010-2011 as passed</i>	15,668	-
<i>Appropriation Act (No. 1) 2010-2011 as passed - Capital Budget</i>	9,032	-
<i>Appropriation Act (No. 2) 2007-2008 as passed Non operating (Equity)</i>	-	4,639
<i>Appropriation Act (No. 2) 2008-2009 as passed Non operating (Equity)</i>	-	3,694
<i>Appropriation Act (No. 2) 2009-2010 as passed Non operating (Equity)</i>	311	1,406
<i>Appropriation Act (No. 2) 2009-2010 as passed Non operating - Previous Years Outputs (Equity)</i>	-	2,303
<i>Appropriation Act (No. 2) 2010-2011 as passed Non operating (Equity)</i>	5,357	-
<b>Total</b>	<b>30,368</b>	<b>24,508</b>

**Table C: Special Appropriations ('Recoverable GST exclusive')**

The Australian Communications and Media Authority is aware that there is a risk of non-compliance with Section 83 of the Constitution, where payments are made from special appropriations and special accounts, if payments do not align to the relevant legislation.

The Authority will investigate these circumstances, and any impact on its special appropriations and special accounts shown below, seeking legal advice as appropriate.

Authority	Type	Purpose	Appropriation applied 2011 \$'000	2010 \$'000
<i>Financial Management and Accountability Act 1997 s28, Administered</i>	Refund	Providing refunds for administered revenues	2,460	3,535
<i>Telecommunications Act 1997 - s136C(4)</i>	Limited amount	Reimbursement of costs of developing consumer-related industry code	-	249
<b>Total</b>			<b>2,460</b>	<b>3,784</b>

## Note 22: Special Accounts

The Australian Communications and Media Authority is aware that there is a risk of non-compliance with Section 83 of the Constitution, where payments are made from special appropriations and special accounts, if payments do not align to the relevant legislation.

The Authority will investigate these circumstances, and any impact on its special appropriations and special accounts shown below, seeking legal advice as appropriate.

<b>Universal Service Account (USO) (Administered)</b>	<b>2011 \$'000</b>	<b>2010 \$'000</b>
<i>Appropriation: Financial Management and Accountability Act 1997 section 21.</i>		
<i>Establishing Instrument: Telecommunications (Consumer Protection and Service Stds) Act 1999, Division 14, Section 21(2).</i>		
Purpose: The above account is used for the collection of USO levy from telecommunications providers and making payments to the USO provider (Telstra)		
<b>Balance brought forward from previous period</b>	<b>851</b>	<b>908</b>
Appropriation for reporting period	<b>4,995</b>	4,823
Other receipts	<b>55,065</b>	53,261
<b>Total increase</b>	<b>60,060</b>	58,084
<b>Available for payments</b>	<b>60,911</b>	58,992
Payments made to suppliers	<b>(60,745)</b>	(58,141)
<b>Total decrease</b>	<b>(60,745)</b>	(58,141)
<b>Total balance carried to the next period</b>	<b>166</b>	<b>851</b>

<b>National Relay Service (NRS) (Administered)</b>	<b>2011 \$'000</b>	<b>2010 \$'000</b>
<i>Appropriation: Financial Management and Accountability Act 1997 section 21.</i>		
<i>Establishing Instrument: Telecommunications (Consumer Protection and Service Stds) Act 1999, Division 14, Section 102(2).</i>		
Purpose: The above account is used for the collection of the NRS Levy from telecommunications providers and making payments to the NRS providers.		
<b>Balance brought forward from previous period</b>	<b>19</b>	<b>3,568</b>
Appropriation for reporting period	<b>1,650</b>	1,915
Other receipts	<b>16,502</b>	15,599
<b>Total increase</b>	<b>18,152</b>	17,514
<b>Available for payments</b>	<b>18,171</b>	21,082
Payments made suppliers	<b>(18,171)</b>	(21,063)
<b>Total decrease</b>	<b>(18,171)</b>	(21,063)
<b>Total balance carried to the next period</b>	<b>-</b>	<b>19</b>



## Note 22: Special Accounts

Other Trust Moneys (Special Public Money)	2011 \$'000	2010 \$'000
<i>Appropriation: Financial Management and Accountability Act 1997 section 21.</i>		
<i>Establishing Instrument: Financial Management Act 1962; s600</i>		
Purpose: Monies held on trust for or for the benefit of a person other than the Commonwealth.		
This account is non interest bearing		
Balance carried from previous period	-	202
Other receipts	323	-
<b>Total increase</b>	<b>323</b>	<b>-</b>
<b>Available for payments</b>	<b>323</b>	<b>202</b>
Payments made to International Telecommunications Union (Geneva, Switzerland)	(115)	(202)
<b>Total decrease</b>	<b>(115)</b>	<b>(202)</b>
<b>Total balance carried to the next period</b>	<b>208</b>	<b>-</b>

Last year's comparatives have been restated. It was discovered that Comcare transactions had been included in the table in error. The closing balance relating to Comcare entries last year was \$8 k.

# **Note 23: Compensation and Debt Relief**

	2011 \$	2010 \$
<b>Departmental</b>		
No 'Act of Grace' expenses were incurred during the reporting period (2010: No payments made).	-	-
No above expenses were paid on a periodic basis (2010: No above expenses paid on a periodic basis).	-	-
No waivers of amounts owing to the Australian Government were made pursuant to subsection 34(1) of the Financial Management and Accountability Act 1997 (2010: No waiver made).	-	-
No payments were provided under the Compensation for Detriment caused by Defective Administration (CDDA) Scheme during the reporting period (2010: No payments made).	-	-
No payments were provided under the Compensation for Detriment caused by Defective Administration (CDDA) Scheme during the reporting period (2010: No payments made).	-	-
No payments were provided in special circumstances relating to APS employment pursuant to section 73 of the Public Service Act 1999 (PS Act) during the reporting period (2010: No payments made).	-	-
<b>Administered</b>		
No 'Act of Grace' expenses were incurred during the reporting period. (2010: No payments made).	-	-
No above expenses were paid on a periodic basis (2010: No above expenses paid on a periodic basis).	-	-
Nil waivers of amounts owing to the Australian Government were made pursuant to subsection 34(1) of the Financial Management and Accountability Act 1997 (2010: two waiver).	-	17,380
No payments were provided under the Compensation for Detriment caused by Defective Administration (CDDA) Scheme during the reporting period (2010: No payment made).	-	-
No payments were provided under the Compensation for Detriment caused by Defective Administration (CDDA) Scheme during the reporting period (2010: No payments made).	-	-
No ex-gratia payments were provided for during the reporting period (2010: No payments)	-	-
No payments were provided in special circumstances relating to APS employment pursuant to section 73 of the Public Service Act 1999 (PS Act) during the reporting period (2010: No payments made).	-	-

## Note 24: Reporting of Outcome

The ACMA uses an Activity Based Costing System to determine the attribution of its shared items. This system was based on average staffing level (ASL) for the majority of corporate activities in 2008-09 with other relevant allocations including floor space.

In 2009-10 the ACMA has consolidated the two outcomes in 2008-09 into a single outcome.

**Table A: Net Cost of Outcome Delivery**

2011	Total \$'000
<b>Expenses</b>	
Administered	161,389
Departmental	111,216
<b>Total</b>	<b>272,605</b>
<b>Income from non-government sector</b>	
Administered	
Activities subject to cost recovery	44,086
Other	536,049
<b>Total administered</b>	<b>580,135</b>
Departmental	
Activities subject to cost recovery	1,364
Other	15
<b>Total departmental</b>	<b>1,379</b>
<b>Total</b>	<b>581,514</b>
<b>Net contribution (cost) of outcome delivery</b>	<b>(308,909)</b>

2010	Total \$'000
<b>Expenses</b>	
Administered	183,257
Departmental	109,037
<b>Total</b>	<b>292,294</b>
<b>Income from non-government sector</b>	
Administered	
Activities subject to cost recovery	44,881
Other	642,802
<b>Total administered</b>	<b>687,683</b>
Departmental	
Activities subject to cost recovery	1,602
Other	300
<b>Total departmental</b>	<b>1,902</b>
<b>Total</b>	<b>689,585</b>
<b>Net contribution (cost) of outcome delivery</b>	<b>(397,291)</b>

## Note 24: Reporting of Outcome

**Table B: Major Classes of Departmental Expense, Income, Assets and Liabilities by Outcome**

2011	Total \$'000
<b>Departmental Expenses</b>	
Employee benefits	68,939
Supplier expenses	35,211
Depreciation and amortisation	7,002
Write-down and impairment of assets	64
<b>Total</b>	<b>111,216</b>
<b>Departmental Income</b>	
Revenue from government	98,935
Sale of goods and rendering services	190
Other revenue	1,094
Other gains	95
<b>Total</b>	<b>100,314</b>
<b>Departmental Assets</b>	
Cash and cash equivalents	1,029
Trade and other receivables	31,724
Land and buildings	12,957
Infrastructure, plant and equipment	9,136
Intangibles	12,215
Other non-financial assets	1,274
<b>Total</b>	<b>68,335</b>
<b>Departmental Liabilities</b>	
Suppliers	5,668
Other payables	2,800
Employee provisions	16,064
Other provisions	1,856
<b>Total</b>	<b>26,388</b>

## Note 24: Reporting of Outcome

**Table B: Major Classes of Departmental Expense, Income, Assets and Liabilities by Outcome**

2010	Total \$'000
<b>Departmental Expenses</b>	
Employee benefits	62,570
Suppliers	41,094
Depreciation and amortisation	5,026
Write-down and impairment of assets	347
<b>Total</b>	<b>109,037</b>
<b>Departmental Income</b>	
Revenue from government	108,223
Sale of goods and rendering services	385
Other revenue	1,424
Other gains	93
<b>Total</b>	<b>110,125</b>
<b>Departmental Assets</b>	
Cash and cash equivalents	866
Trade and other receivables	34,526
Land and buildings	10,938
Infrastructure, plant and equipment	7,724
Intangibles	9,154
Other non-financial assets	1,826
<b>Total</b>	<b>65,034</b>
<b>Departmental Liabilities</b>	
Suppliers	8,440
Other payables	2,254
Employee provisions	15,553
Other provisions	1,568
<b>Total</b>	<b>27,815</b>

## Note 24: Reporting of Outcome

**Table C: Major Classes of Administered Expenses, Income, Assets and Liabilities by Outcomes**

2011	Total \$'000
<b>Administered expenses</b>	
Subsidies	161,343
Write-down and impairment of assets	46
<b>Total</b>	<b>161,389</b>
<b>Administered income</b>	
Other taxes	372,334
Sale of goods and rendering of services	3,156
Fees and fines	41,119
Other non-taxation revenue	160,654
Sale of assets	2,863
Reversal of previous asset write-downs and impairments	9
<b>Total</b>	<b>580,135</b>
<b>Administered assets</b>	
Cash and cash equivalents	408
Taxation receivables	158,674
Receivables	38,189
<b>Total</b>	<b>197,271</b>
<b>Administered liabilities</b>	
Subsidies	5
Other payables	3,707
<b>Total</b>	<b>3,712</b>

## Note 24: Reporting of Outcome

**Table C: Major Classes of Administered Expenses, Income, Assets and Liabilities by Outcomes**

2010	Total \$'000
<b>Administered expenses</b>	
Subsidies	160,622
Write-down and impairment of assets	22,635
<b>Total</b>	<b>183,257</b>
<b>Administered income</b>	
Other taxes	455,321
Sale of goods and rendering of services	2,611
Fees and fines	65,607
Other non-taxation revenue	161,035
Sale of assets	3,109
<b>Total</b>	<b>687,683</b>
<b>Administered assets</b>	
Cash and cash equivalents	894
Taxation receivables	328,444
Receivables	27,275
Other financial assets	26
<b>Total</b>	<b>356,639</b>
<b>Administered liabilities</b>	
Other payables	2,950
<b>Total</b>	<b>2,950</b>

# **Note 25: Comprehensive Income**

	2011 \$'000	2010 \$'000
<b>Total Comprehensive Income (loss) attributable to the entity</b>		
Total comprehensive income (loss)*	( 10,902)	1,088
Plus: non-appropriated expenses		
Depreciation and amortisation expenses	<u>7,002</u>	<u>5,026</u>
<b>Total Comprehensive Income (loss) attributable to the entity</b>	<u>( 3,900)</u>	<u>6,114</u>

\*As per Statement of Comprehensive Income.



# Glossary

<b>3G</b>	<b>Third generation mobile telecommunications</b> Mobile telecommunications systems that can provide global mobile communications and support multimedia applications.
<b>3.5G/4G</b>	Enhancements to mobile telecommunications systems that increase the usable data rate to allow the delivery of data-intensive applications such as high resolution video.
<b>ABA</b>	<b>Australian Broadcasting Authority</b> Former Commonwealth regulatory authority responsible for broadcasting.
<b>ABC</b>	<b>Australian Broadcasting Corporation</b> Free-to-air national broadcaster of ABC radio and television channels, as well as the internet services ABC Online, ABC Broadband and DIG internet radio. The ABC is funded by the Australian Government.
<b>ABS</b>	<b>Australian Bureau of Statistics</b> Australia's official statistical organisation serving government, business and the general population.
<b>ACA</b>	<b>Australian Communications Authority</b> Former Commonwealth regulatory authority responsible for radiocommunications and telecommunications.
<b>ACCC</b>	<b>Australian Competition and Consumer Commission</b> Commonwealth regulatory body with responsibilities derived from the <i>Trade Practices Act 1974</i> .
<b>ACE</b>	<b>Australian Communication Exchange</b> Current National Relay Service provider and emergency call person for the text-based emergency call service.
<b>ACMA</b>	<b>Australian Communications and Media Authority</b> Commonwealth regulatory authority for broadcasting, online content, radiocommunications and telecommunications, with responsibilities under the <i>Broadcasting Services Act 1992</i> , the <i>Radiocommunications Act 1992</i> , the <i>Telecommunications Act 1997</i> and related Acts. Established on 1 July 2005 following a merger of the Australian Communications Authority and the Australian Broadcasting Authority.
<b>ADSL2+</b>	Version of ADSL that uses double the bandwidth for downstream data transmission, effectively doubling maximum downstream data rates.
<b>AISI</b>	<b>Australian Internet Security Initiative</b> An initiative developed by the ACMA that provides daily reports to Australian ISPs identifying recent instances of 'compromised' (infected) IP addresses on their networks.
<b>ANAO</b>	<b>Australian National Audit Office</b> Office responsible for financial and performance audits of Commonwealth departments and authorities.
<b>ANC</b>	<b>Annual Numbering Charges</b>
<b>ARPANSA</b>	<b>Australian Radiation Protection and Nuclear Safety Agency</b> Commonwealth regulatory and research agency responsible for protecting people and the environment from the harmful effects of ionising and non-ionising radiation.
<b>Associated Newspaper Register</b>	A public register of newspapers 'associated' with commercial radio or commercial television broadcasting licence areas.
<b>ASTRA</b>	<b>Australian Subscription Television and Radio Association</b> Industry body for subscription television, radio broadcasters and narrowcasters, responsible for developing and reviewing industry codes of practice, in consultation with the ACMA.

<b>bandwidth</b>	In the internet industry, bandwidth refers to the capacity of a connection to carry information, while in radiocommunications, it is the amount of radiofrequency spectrum used for a particular function.
<b>broadband</b>	Describes a class of internet access technologies, such as ADSL, HFC cable and Wifi, offering a data rate significantly higher than narrowband services. These services are usually ‘always on’ and do not tie up a telephone line exclusively for data.
<b>BSB</b>	<b>broadcasting services bands</b> Parts of the radiofrequency spectrum dedicated to broadcasting services.
<b>carrier</b>	The holder of a telecommunications carrier licence in force under the <i>Telecommunications Act 1997</i> .
<b>CCF</b>	<b>Consumer Consultative Forum</b> Assists the ACMA to perform its functions relating to consumers.
<b>CDMA</b>	<b>code division multiple access</b> Digital coding technique used primarily for mobile telecommunications and satellite services, employing a bandwidth much larger than the original signal. Each signal is uniquely encoded and decoded, allowing many signals to occupy the same spectrum.
<b>Communications Alliance</b>	Australia’s peak communications industry organisation that promotes the growth of the Australian communications industry and the protection of consumer interests.
<b>coverage area</b>	Geographic area in which calls are able to be made successfully. For instance, the area between a base station and a mobile phone handset.
<b>CPRs</b>	<b>cabling provider rules</b> Rules to support telecommunications cabling industry self-regulation.
<b>CSER</b>	<b>Communications Security and Enforcement Roundtable</b> A forum that deals with communications, law enforcement, regulatory and operational matters. CSER replaced the Law Enforcement Advisory Committee (LEAC).
<b>CSG</b>	<b>Customer Service Guarantee</b> Standard covering provision of the standard telephone service that provides for financial compensation to customers if the requirements in the standard are not met. The new CSG Standard came into effect from 30 June 2000, replacing the original 1998 standard, and was amended in 2004.
<b>CSP</b>	<b>carriage service provider</b> Person supplying or proposing to supply services to the public using carrier networks.
<b>CTS</b>	<b>Children’s Television Standards</b> Standards designed to provide access for children (aged <14 years) to quality television programs made specifically for them. The standards regulate timing and scheduling of children’s programs and content of adjacent programming.
<b>DAB</b>	<b>Digital Audio Broadcasting</b> A digital radio technology for broadcasting radio stations.
<b>datacasting</b>	A service that delivers content in the form of text, data, speech, music or other sounds, visual images, or any other form or combinations of forms, where delivery uses the BSB.
<b>DBCDE</b>	<b>Department of Broadband, Communications and the Digital Economy</b> Commonwealth department that provides policy advice and program support to the Australian Government on information technology and communications portfolio issues.
<b>DNCR</b>	<b>Do Not Call Register</b> An Australian Government program administered by the ACMA to allow a fixed-line, internet-based phone number or mobile number to be registered to opt out of receiving most Australian and overseas unsolicited marketing calls or faxes (with limited exemptions for public interest organisations).
<b>ECSAC</b>	<b>Emergency Call Service Advisory Committee</b> Formerly the Emergency Services Advisory Committee. Advises on emergency services matters.
<b>EMC</b>	<b>electromagnetic compatibility</b> Ability of an electrical or electronic device or system to function satisfactorily without causing electromagnetic interference to other devices.
<b>EME</b>	<b>electromagnetic energy</b> Energy of electric and magnetic field components of a radio wave.
<b>ENUM</b>	<b>Electronic NUMbering</b> A protocol that translates numbers into a format that can be recognised by the internet system, and enables the linking of telephone numbers or internet addresses with communications services such as email, facsimile transmission and mobile telephony.

<b>ESNA</b>	<b>e-security National Agenda</b> Established by the Australian Government to strengthen the electronic operating environment for business, home users and government agencies.
<b>ESO</b>	<b>Emergency Service Organisation</b> Organisation providing an emergency service, such as police, ambulance or fire brigade.
<b>fixed-line telephone service</b>	A term used to describe the delivery of voice services over the PSTN network. Does not typically refer to VoIP phone services.
<b>FLRN</b>	<b>freephone and local rate number</b> Telephone numbers commencing with the digits 180 (freephone) and 13 (local rate).
<b>FOI Act</b>	<b><i>Freedom of Information Act 1982</i></b> Legislation dealing with access by the general public to information gathered and held by Commonwealth agencies.
<b>Free TV Australia</b>	Industry body responsible for developing and reviewing the Commercial Television Industry Code of Practice.
<b>GHz</b>	<b>gigahertz</b> One billion Hertz (where one Hertz is the measurement of frequency equal to one cycle of electromagnetic radiation per second).
<b>GSM</b>	<b>global system for mobile communications</b> The widely used European digital cellular network standard.
<b>HDTV</b>	<b>high definition television</b> A digital television broadcasting system with higher resolution than traditional television systems.
<b>HF</b>	<b>high frequency</b> Radiofrequency spectrum in the 3–30 MHz frequency range.
<b>IAP</b>	<b>Internet Assistance Program</b>
<b>ICT</b>	<b>Information and Communication Technology</b>
<b>INHOPE</b>	<b>International Association of Internet Hotlines</b> Deals with complaints about illegal internet content, mainly child pornography.
<b>INMS</b>	<b>Industry Number Management Services Ltd</b> Company established by carriers and carriage service providers to manage and allocate portable freephone and local-rate numbers from a pool, under delegation from the ACMA.
<b>interception</b>	The interception of telecommunications services for the purpose of law enforcement and national security.
<b>IP</b>	<b>internet protocol</b> The key member of the suite of internet protocols at the logical layer, specifying packet addressing and routing of data through the internet.
<b>IPND</b>	<b>Integrated Public Number Database</b> Database of information about customers of telecommunications services in Australia, arranged by number, for all carriers and carriage service providers.
<b>IPTV</b>	<b>internet protocol television</b> Television system whereby digital content is delivered via a network infrastructure, often in conjunction with video-on-demand and other non-television services such as VoIP and other internet services.
<b>ISP</b>	<b>internet service provider</b> Service provider offering internet access.
<b>ITU</b>	<b>International Telecommunication Union</b> United Nations agency that coordinates international telecommunications matters.
<b>ITU-R</b>	<b>ITU—Radiocommunication Sector</b> ITU body dealing with international radiocommunications matters.
<b>kbit/s</b>	<b>kilobits per second</b> Data communication rate of one thousand bits per second.
<b>kHz</b>	<b>kilohertz</b> One thousand Hertz (see also Gigahertz).
<b>LAP</b>	<b>licence area plan</b> A legislative instrument setting out the licence area and the technical specifications for existing and proposed services.
<b>LEAC</b>	<b>Law Enforcement Advisory Committee</b> Committee that advises on communications law enforcement matters. LEAC was replaced by CSER in 2008–09.

<b>LIPD</b>	<b>Low Interference Potential Devices</b>
<b>low-impact facilities</b>	Communications facilities that are considered to have a low impact on their environment. They include underground cabling, small radiocommunications antennas and dishes, in-building subscriber connections and public payphones. The Telecommunications Act provides carriers with immunity from state and territory planning laws for the installation of 'low-impact' facilities.
<b>LPON</b>	<b>low power open narrowcasting</b> Radiocommunications class licence type authorising radio services operating at very low power outputs in the frequency range 87.5–88.0 MHz.
<b>MHz</b>	<b>Megahertz</b> One million Hertz (see also Gigahertz).
<b>the minister</b>	<b>Minister for Broadband, Communications and the Digital Economy</b> Minister responsible for the ACMA and its governing legislation.
<b>MMS</b>	<b>multimedia messaging service</b> Mobile telecommunications data transmission service for sending messages with a combination of text, sound, image and video to MMS-capable handsets.
<b>MNP</b>	<b>mobile number portability</b> Portability for mobile phone numbers. See <b>number portability</b> .
<b>NAC</b>	<b>Numbering Advisory Committee</b> Committee established to advise on numbering matters.
<b>narrowband</b>	A class of telecommunications services such as dial-up internet access that offer data rates of 64 kbit/s or lower.
<b>NATA</b>	<b>National Association of Testing Authorities</b> Australia's national laboratory accreditation authority that recognises and promotes facilities competent in specific types of testing, measurement, inspection and calibration.
<b>NGN</b>	<b>next generation network</b> General term for developments in network architecture using various access and core technologies covering wired, wireless and mobile communications. A primary characteristic is the decoupling of services and networks, allowing these to be offered separately and to evolve independently.
<b>NRF</b>	<b>Network Reliability Framework</b> Requirement on Telstra from January 2003 to provide regular reports to the ACMA on the reliability of its fixed-line services, and to remediate the network in areas with particularly poor performance.
<b>NRS</b>	<b>National Relay Service</b> Translation service between voice and non-voice telephone users providing access to the standard telephone service for people with communication impairment. Relays voice, modem or telephone typewriter communications.
<b>number portability</b>	Arrangements allowing customers to transfer from one telecommunications service provider to another without changing their number.
<b>payphone</b>	Public telephone where calls may be paid for with coins, phone cards, credit cards or reverse charge facilities.
<b>portability</b>	See <b>number portability</b> .
<b>pre-selection</b>	Offers customers choice and supports competition by enabling competing operators to use the networks of other carriers to access their customers.
<b>priority assistance</b>	Service for people with a diagnosed life-threatening medical condition entitling them to faster connection and fault repair of their fixed-line telephone service.
<b>RCC</b>	<b>Radiocommunications Consultative Committee</b> Formed to facilitate consultation between the ACMA and industry on major domestic and international radiocommunications issues.
<b>RCMG</b>	<b>Register of Controlled Media Groups</b> Lists the media groups in each licence area, the media operations that form part of a group and the controllers of those operations.
<b>SBS</b>	<b>Special Broadcasting Service</b> Free-to-air national radio and television broadcasting service providing multilingual and multicultural programs that inform, educate and entertain all Australians and, in doing so, reflect Australia's multicultural society. The SBS Online service also provides additional multilingual content through the internet.
<b>SDTV</b>	<b>Standard definition television</b>

<b>SID</b>	<b>Spam Intelligence Database</b> Designed and built in-house, SID is the ACMA's high-performance spam analysis system, capable of processing hundreds of thousands of spam email messages per day. SID analyses all components of an email and stores the data in such a way that it can be easily searched, categorised and linked to data from other emails with similar characteristics.
<b>SMP</b>	<b>standard marketing plan</b> Approved plan by the universal service provider of how it will meet the USO.
<b>SMS</b>	<b>short message service</b> Mobile telecommunications data transmission service that allows users to send short text messages to each other using the mobile handset keypad.
<b>spam</b>	Unsolicited commercial electronic messages sent to email, mobile phone and instant messaging accounts.
<b>smartnumbers®</b>	Specified freephone (1800) or local-rate (13 or 1300) numbers allocated by auction that are considered desirable because they can be translated to a phoneword or have a memorable pattern.
<b>Subscription television</b>	Service providing access, for a fee, to television channels transmitted using cable, satellite or terrestrial microwave.
<b>TAG</b>	<b>Technical Advisory Group</b> Provides policy advice and recommendations to the ACMA about strategic directions in the technical regulation of communications in Australia.
<b>TCBL</b>	<b>temporary community broadcasting licence</b>
<b>three-way control</b>	An unacceptable three-way control situation exists in relation to the licence area of a commercial radio broadcasting licence (the first radio licence area) if a person is in a position to exercise control of a commercial television broadcasting licence, where more than 50 per cent of the licence area population of the first radio licence area is attributable to the licence area of the commercial television broadcasting licence; and a commercial radio broadcasting licence, where the licence area of the commercial radio broadcasting licence is, or is the same as, the first radio licence area; and a newspaper that is associated with the first radio licence area.
<b>TIO</b>	<b>Telecommunications Industry Ombudsman</b> Industry-funded independent dispute resolution service for consumers who are unable to resolve individual complaints with their carriers and carriage service providers.
<b>trigger event</b>	A trigger event relates to commercial regional radio licences and includes a transfer of a licence; or formation of a new registrable media group which includes a regional commercial radio broadcasting licence; or change of controller of a registrable media group which includes a regional commercial radio broadcasting licence.
<b>TS</b>	<b>technical standard</b> Standard for communications customer equipment or networks.
<b>TSAG</b>	<b>Telecommunications Standardization Advisory Group</b>
<b>TTY</b>	<b>teletypewriter</b> Telephone typewriter where the caller types the communication after the call is connected, enabling people with a communication impairment to use the standard telephone service.
<b>TWG</b>	<b>Technical Working Group</b>
<b>UHF</b>	<b>ultra high frequency</b> Part of the radiofrequency spectrum between 300 and 3,000 MHz.
<b>USO</b>	<b>universal service obligation</b> Obligation under the <i>Telecommunications Act 1997</i> to ensure that standard telephone, payphone and prescribed carriage services are reasonably accessible to all people in Australia on an equitable basis, wherever they reside or carry on business.
<b>VHF</b>	<b>very high frequency</b> Portion of the radiofrequency spectrum between 30 and 300 MHz.
<b>VoIP</b>	<b>voice over internet protocol</b> A protocol for transmitting voice over packet-switched data networks. Also called IP telephony.
<b>WAS</b>	<b>Wireless access services</b> The wireless connection of business and households to the internet and the phone system.
<b>WiMAX</b>	<b>Worldwide Interoperability for Microwave Access</b> Industry group organised to advance the IEEE 802.16 standards for broadband wireless access networks for multimedia applications with a wireless connection.
<b>WRC</b>	<b>World Radiocommunication Conference</b> ITU conference held every three or four years to review and amend international radio regulations.

# Index

## A

- AAPT, priority assistance 136
- ABC radio, non-breach findings 210
- ABC television
  - breach findings 204–5
  - non-breach findings 205–6
- Accredited Persons Scheme 59–60
- ACMA Agency Plan 214
- ACMA Communications Report 2009–10* 149–51
- ACMA Enterprise Agreement 2011* 153, 156, 176
- ACMACloud* in-house cloud architecture 160
- administratively allocated spectrum,
  - opportunity cost pricing 55–6
- advertising, Australian content in 124
- advertising expenditure 222
- advisory bodies, membership 168–9
- AFL Footy Show* 111
- agency resource statement 224–5
- aircraft, radiocommunications licensing
  - arrangement for mobile communication services on 57–8
- Al-Manar Television Service 109
- Alannah and Madeline Foundation 140
- allocation
  - community broadcasting licence allocation and renewal processes, review 65
  - digital dividend 19, 45, 46, 52, 55
  - market-based resource management 55
  - opportunity-cost pricing for administratively allocated spectrum 55–6
  - see also broadcasting licensing
- amateur radio operator examination services 62
- Annual Numbering Charge (ANC) 68, 76
- Annual operating plan 2011* 56
- anti-siphoning provisions 109, 129
- anti-spam 22, 103–5
  - complaints and report-handling 13, 22, 103, 104
  - detection initiatives 104–5
  - enforcement 104
  - international cooperation 105
- anti-terrorism standards 109
- apparatus licences 188
  - new licences 56
  - price-based apparatus licence allocations 57
  - taxes 77
- APS Guidelines on Workplace Diversity* 154
- APS Values and Code of Conduct 155
- archives 215
- Asia-Pacific Economic Cooperation
  - Telecommunications and Information (APEC-TEL) 120
- Asia-Pacific Telecommunity (APT) 47, 121
  - Cybersecurity Forum 120
  - Preparatory Group 47
  - Wireless Group 47
- asset management 163
- Associated Newspaper Register 37
- Attorney-General's Department 116, 161
- audiovisual content regulation 149
- audit
  - external 29, 161, 162, 233–4
  - internal 31, 161
- Audit Committee 31, 161, 167
- auditing the privacy of billing information 94
- Auditor-General, access by 222
- Auditors report, Independent 233–4
- audits of telecommunications providers'
  - websites 93
  - broadband products 93
  - landline products 93
  - post-paid mobile products 93
  - prepaid mobile products 94
- AUSTAR 112
- Austar United Licenceco Pty Ltd 58, 59
- AUSTEL 215
- Austereo Group Limited 38
- Australia in the digital economy – Consumer engagement in e-commerce* 145
- Australia in the digital economy – The shift to the online environment* 150
- Australia–Taiwan Anti-Spam Bilateral Meeting 105
- Australian Broadcasting Authority (ABA) 214, 215
- Australian Broadcasting Corporation (ABC),
  - new code of practice 20
- Australian Broadcasting Tribunal 215
- Australian Commerce and Industry Office (ACIO) 105
- Australian Communication Exchange Ltd (ACE) 117, 137
- Australian Communications Authority (ACA) 214, 215
- Australian Communications and Media Authority
  - arrangements for public involvement in its work 215
  - Client Service Charter 159
  - committees 31, 161, 167
  - corporate governance 31–2, 161
  - corporate structure 29–30
  - decision making powers 215

Executive Group 29, 167  
 functions and responsibilities 25, 36  
 meetings 166–7  
 Members 26–9, 271–3  
 notifications, directions and  
 instruments 218  
 objectives 248  
 offices 163, 165  
 outcome 35, 123, 223  
 regulatory role 124–31  
 responses to convergence and regulatory  
 pressures 36  
 staff 154–9, 170–5  
 strategic and business planning 32–3  
 structure 25–30  
 transformation program 156, 158–9  
*Australian Communications and Media  
 Authority Act 2005* 31, 36, 138, 218, 231  
 Australian Communications and Media  
 Authority (Development of Technical  
 Standards for Domestic Digital Television  
 Reception Equipment) Direction No. 1 of  
 2009 82  
 Australian Communications and Media  
 Authority (Realising the Digital Dividend)  
 Direction 2010 218  
*Australian Communications and Media  
 Authority v FHT Travel Pty Limited and  
 Anor* 220  
*Australian Communications and Media  
 Authority v Mobilegate Ltd A Company  
 Incorporated in Hong Kong and Ors* (No 4)  
 [2009] FCA 1225; (No 5) [2009] FCA 1507;  
 (No 6) [2009] FCA 1533; (No 8) [2010] FCA  
 1197 and (No 9) [2010] FCA 1383 220  
 Australian Community Television Alliance  
 (ACTA) 20, 131  
 Australian Competition and Consumer  
 Commission (ACCC) 215  
*Australian consumer satisfaction with  
 communication services* 150  
 Australian content  
 in advertising, regulation 124  
 regulation 78, 124  
 Australian Content in Advertising  
 Standard 124  
 Australian Content Standard 78, 124  
 Australian ENUM Discussion Group  
 (AEDG) 215  
 Australian Federal Police 114  
 Australian Formula 1 Grand Prix 89, 91  
 Australian Internet Security Initiative (AISI) 119,  
 120  
 Australian Internet service providers, filtering of  
 RC content 130  
 Australian Maritime College 60, 61  
 Australian Maritime Safety Authority 90  
 Australian Motorcycle Grand Prix 89, 91  
 Australian music code 125  
 Australian Music Performance Committee  
 (AMPCOM) 125  
 Australian National Audit Office (ANAO) 31,

161, 162, 233–4  
 Australian Public Service Commission  
 (APSC) 154, 157  
 Australian Radiation Protection and Nuclear  
 Safety Agency (ARPANSA) 82, 83  
 Australian Radiocommunications Study  
 Groups (ARSGs) 47  
 Australian Subscription Television and Radio  
 Association (ASTRA) 20

## B

balance sheet 237  
 Bean, Richard 26  
 behavioural economics and customer  
 complaints in communication markets 132  
 Benjamin, Louise 28  
 billing, 3G mobile billing and charging  
 arrangements 145  
 billing information, privacy 94  
 BKAL Pty Ltd 58  
 ‘botnets’ 119  
 broadband delivery 150  
 broadband products, website information 93  
 broadband wireless *see* wireless access  
 services  
 broadcasting  
 compliance investigations 106–12  
 compliance with ownership and control  
 provisions 37–9  
 financial results 40  
 licence fees 74, 78  
 local content 39–40  
 and media privacy 147  
 ownership and control 36–9  
 Register of Controlled Media Groups 36  
*see also* digital broadcasting  
 broadcasting codes of practice,  
 investigations 110–11  
 broadcasting complaints and  
 investigations 106–12  
 ABC radio 210  
 ABC television 204–6  
 ACMA’s powers 106  
 ACMA’s role 106  
 anti-siphoning provisions 109, 129  
 anti-terrorism standards 109  
 broadcasting codes of practice 110–11  
 broadcasting licence conditions 110  
 category-of-service opinions 108  
 Children’s Television Standards 108  
 commercial radio 208–10  
 commercial radio standards 109–10  
 commercial television 195–204  
 community broadcasting inquiries 107  
 community radio 210–12  
 community television 206  
 complaints process – codes of  
 practice 106  
 Conditional Access Scheme for satellite  
 access to digital television 108

- control 107
- Nine Network's complaints-handling enforceable undertaking 111
- open narrowcast radio 213
- open narrowcast television 207
- program classification 111–12
- SBS radio 210
- SBS television 206
- subscription broadcasting television 207
- subscription narrowcast television 207
- summary 107
- temporary community radio 212
- Broadcasting and Datacasting Services (Parental Lock) Technical Standard 2010 82
- Broadcasting Financial Results 2008–09* 40
- broadcasting industry codes and guidelines 130–1
- Broadcasting Legislation Amendment (Digital Television) Act 2006* 128
- broadcasting licence area plans and variations 62–4
- broadcasting licence conditions, investigations 110
- broadcasting licence fees 78
  - licence fee rebate 78
  - and Regional Equalisation Plan 78
- broadcasting licensing 64–7
  - commercial radio 66
  - commercial television 66
  - community broadcasting licence allocation and renewal processes, review 65
  - community radio 65–6
  - community television 66–7
  - international 64
  - licencing at end of simulcast 66
  - regional commercial radio 39
  - temporary community 65
- see also allocation
- broadcasting service apparatus licence variations 189
- Broadcasting Services Act 1992* 18, 20, 36, 37, 38, 39, 43, 44, 65, 66, 78, 106, 107, 108, 109, 112, 128, 129, 130
- Broadcasting Services (Additional Regional Commercial Radio Licence Condition – Local Presence) Notice 22 March 2007 39
- Broadcasting Services (Additional Regional Commercial Radio Licence Condition – Material of Local Significance) Notice 19 December 2007 (Local Content Licence Condition) 39
- Broadcasting Services (Anti-terrorism Requirements for Open Narrowcasting Television Services) Standard 2008 109
- Broadcasting Services (Anti-terrorism Requirements for Open Narrowcasting Television Services) Standard 2011 109
- Broadcasting Services (Anti-terrorism Requirements for Subscription Narrowcasting Television Services) Standard 2008 109

- Broadcasting Services (Anti-terrorism Requirements for Subscription Narrowcasting Television Services) Standard 2011 109
- Broadcasting Services (Australian Content) Standard 2005 124, 125
- Broadcasting Services (Commercial Radio Advertising) Standard 2000 109, 110, 129
- Broadcasting Services (Commercial Radio Compliance Program) Standard 2000 109, 129
- Broadcasting Services (Commercial Radio Current Affairs Disclosure) Standard 2000 109, 110, 129
- buildings, green lease initiatives 163
- business planning 33

## C

- cabling
  - for National Broadband Network 84
  - registration scheme 83–4
  - work for digital devices 84
- Cabling Advisory Group (CAG) 83
- Cabling Provider Rules (CPRs) 83
- cabling regulation 83–4
  - consumer and industry awareness 84
- Canadian Radiotelevision Telecommunications Commission 102
- capability development and training 156
- captioning 131
- carriage service providers (CSPs)
  - numbering charges 76
  - numbering transactions 69
- Carrier Licence Conditions (Telstra Corporation Limited) Declaration 1997 139
- carrier licensing 68, 177
  - annual charges 75
- carriers' rights and obligations 84–5
  - enquiries and complaints 85
- cash flow statement 239
- category-of-service opinions 108
- certificates of proficiency and operator examinations 60
- certification bodies (telecommunications labelling) 84
- Chairman's foreward 10–15
- Changing business models in the Australian communication and media sectors: Challenges and response strategies* 150
- Channel 9 South Australia Pty Ltd 111
- Channel Seven (Sydney) Pty Ltd 110–11
- Chapman, Chris 10–15, 17, 26
- Cheah, Chris 27
- child abuse material, ACMA and INHOPE
  - cooperation to remove 115
- Childnet International (UK) 144
- children's television
  - children's and preschool programs 125, 126, 193–4
  - consultants 194



- content regulation 125
- program classification 125, 126
- Children's Television Classification Forum 125–6
- Children's Television Standards 2005 (CTS 2005) 108
- Children's Television Standards 2009 (CTS 2009) 108, 125
- class licensing 59–62
  - Accredited Persons Scheme 59–60
  - amateur radio operator examination services 62
  - certificates of proficiency and operator examinations 60
  - low interference potential devices 59
  - new band plan 59
  - review of marine radio operator qualifications for recreational boaters 61–2
- Classification (Publications, Films and Computer Games) Act 1995* 112
- Clean Energy Council 102
- Clearing the digital dividend: planning objectives and principles for restacking digital television channels* 19, 42
- Client Service Charter 159
- codes of practice
  - Australian Broadcasting Corporation (ABC) 20
  - broadcasting investigations 110–11
  - Commercial Radio Australia 20
  - Community Television Broadcasting 20, 131
  - mobile premium services 12, 20, 96, 97, 130
  - new codes registered 20
  - new developments 20
  - Open Narrowcast Television 109
  - Subscription Broadcast Television, review 20
  - Subscription Narrowcast Television, review 20
  - Telecommunications Consumer Protections Code (TCP Code) 12, 21, 93, 94, 95, 96, 130
- Coggin, Prof. Gerard 148
- Comcover's Benchmarking Risk Management Program 161
- commercial radio
  - breach findings 208
  - broadcasting licences 37, 39–40, 66
  - directorship breaches 38–9
  - literature research on commercial influence on 148
  - non-breach findings 208–10
  - temporary breaches of notification provisions 38
- Commercial Radio Australia 130
  - Codes of Practice 20
  - Codes of Practice – Code 4: Australian Music 125
- Commercial Radio ('Cash for Comment') Inquiry (1999–2000) 129
- commercial radio standards
  - investigations under 109–10
  - investigations under the advertising standard 110
  - investigations under the disclosure standard 110
  - review 129–30
  - review of expected economic costs 148
- commercial television
  - breach findings 195–9
  - non-breach findings 199–204
- commercial television broadcasting
  - licences 37, 66
  - licence fee rebate 78
  - licence fees 78
  - 'multichanneled' television services in digital mode 126
- Commercial Television Industry Code of Practice 111, 126
- Commercials Advice Pty Ltd (CAD) 107, 124
- committees
  - consultative *see* consultative bodies
  - internal 161, 167
- Commonwealth contracts exemptions 222
- Commonwealth Fraud Control Guidelines* 161
- Commonwealth Procurement Guidelines* 163
- Commonwealth Property Management Guidelines* 163
- communication services, customer satisfaction with 150
- Communications Alliance 12, 20, 80, 83, 84, 116, 130
- communications and engagement 15, 22, 46, 162
- communications and media sectors, changing business models 150
- communications regulation, planning and licensing
  - outcome 47, 223
  - performance against PBS KPIs and deliverables 2010–11 35, 226–7
- Communications report 2009–10* 149
  - key themes 150–1
  - reports included 150
- Communications Security and Enforcement Roundtable (CSER) 116
- Experts Group 116
- community awareness 140–4
  - cybersafety 140–4
  - social networking 144
  - telecommunications awareness 144
- community broadcasting inquiries 107
- community broadcasting licences, review of allocation and renewal process 65
- Community Broadcasting Not-for-Profit Guidelines* 131
- community broadcasting reviews 131
- community radio
  - breach findings 210–12
  - broadcasting licences 65–6
  - non-breach findings 212
- community research into telecommunications

- customer service experiences and associated behaviours (commissioned research) 132
- community television
  - breach findings 206
  - broadcasting licences 66–7
  - digitisation of community television services in metropolitan areas 67
  - trials 67
- Community Television Broadcasting Codes of Practice 2011 20, 131
- comparative international research 149
- Competition Bureau (Canada) 105
- competitive tendering 222
- complaint handling, ACMA's strategy 86
- complaints
  - anti-spam 13, 22, 103–4
  - broadcasting 106–12
  - carriers' rights and obligations 85
  - children's television 108
  - Client Service Charter 159
  - customer transfer 95
  - direct debits 95
  - Do Not Call Register 21, 97, 98–9
  - fax marketing 13, 21, 97, 98
  - interactive gambling 114
  - mobile premium services 20, 96–7, 144
  - online content 21, 112–14, 115
  - payphone removal 134
  - spam 13, 22, 103–4
  - telemarketing 13, 21, 97–8
  - terms and conditions and billing 95
  - Vodafone 94
- compliance index 229–31
- compliance investigations 86–115
  - ACMA's approach to compliance and enforcement 86
  - ACMA's approach to telecommunications code compliance 91–2
  - ACMA's approach to telemarketing and fax marketing compliance 101
  - ACMA's complaints-handling strategy 86
  - anti-spam 103–5
  - auditing information available on providers' websites 93–4
  - auditing the privacy of billing information 94
  - broadcasting 106–12
  - complaint handling (telecommunications) 95
  - complaints-handling compliance initiative 95
  - customer information on prices, terms and conditions 95
  - customer transfer and credit-handling 95
  - direct debits 95
  - fax marketing 97–103
  - franchise investigation 95
  - interactive gambling 114
  - low power open narrowcasting 88
  - radiocommunications 87–8
  - radiocommunications interference management 88–91
  - telecommunications 91–7
  - telemarketing 97–103
  - terms and conditions and billing 95
  - Vodafone investigation 94
- compliance marks 79–80
- compliance with ownership and control provisions (broadcasting) 37–9
  - annual notifications 37
  - applications for prior approval 38
  - directorship breaches 38–9
  - enforcement for failure to comply with notification provisions 37–8
  - notices 38
  - notifications of changes in control 37
  - provisions of opinions on control 39
- Conditional Access Scheme for satellite access to digital television, complaints 108
- conferences and events 14, 23, 46, 47
- Conficker Working Group 119
- Connect.ed – Cybersafety Professional Development for Educators 141
- Conroy, Senator the Hon. Stephen 25
- consultants
  - children's television 194
  - expenditure 221
- consultation and workplace relations 156
- consultative bodies 168–9
- Consultative Working Group on Cybersafety 144
- consumer and audience research 145–6
- consumer code compliance kit (ACMA) 92
- Consumer Consultative Forum (CCF) 91, 138, 168, 215
- consumer information
  - disclosure 219
  - disclosure to law enforcement and national security agencies 116
  - protection of 139
- consumer safeguards 131–9
  - Customer Service Guarantee 133, 134–5
  - Do Not Call Register 138–9
  - extended zones agreement 139
  - implementation of consumer safeguard reforms 133
  - local presence plan 136
  - mobile phone coverage 139
  - National Relay Service 136–7
  - Network Reliability Framework 135–6
  - payphone performance 134
  - priority assistance 133, 136
  - protection of consumer information 139
  - Reconnecting the Customer* public inquiry 11–12, 17, 93, 131–3, 145, 146
  - universal service obligation 133, 134
  - see also Telecommunications Industry Ombudsman
- consumer safeguards, education and information
  - outcome 123
  - performance against PBS KPIs and deliverables 2010–11 123, 227

content regulation 124–31  
     anti-siphoning provisions 129  
     anti-terrorism standards 109  
     audiovisual content 149  
     Australian content 124  
     Australian content in advertising 124  
     Australian music code 125  
     broadcasting industry codes and guidelines 130–1  
     children's television 125–6  
     community broadcasting reviews 131  
     declaration of primary services 126–7  
     high definition broadcasting 128  
     Internet industry codes 130  
     review of commercial radio standards 129–30  
     subscription television drama expenditure 128–9  
     telecommunications industry codes 130  
 contract management and procurement 163  
 ControlPoint 161  
 convergence and regulatory pressures, analysis of 13, 36, 148, 150  
 corporate governance 31–2, 161  
     external scrutiny 31, 161, 162, 233–4  
 corporate plan 32  
 corporate structure, ACMA 29–30  
 Corrective Services Administrators Council (CSAC) 53  
 Corrective Services NSW 53  
 Cospas-Sarsat system, interference to 90  
 cost recovery charges 74  
 council of Australian Governments (COAG) 51  
 Coutts, Reg 27–8  
 Creating Knowledge program 158  
 credit-handling and customer transfer investigation 95  
 customer information management system 159  
 customer information on prices, terms and conditions 95  
 customer satisfaction with communication services 150  
 Customer Service Guarantee 12, 133, 134–5  
 customer transfer investigation 95  
 cyberbullying 142  
 CyberNetrix 142  
 CyberQuoll 142  
 cybersafety 14, 22, 140–4  
     education programs for teachers, students and parents 141  
     education resources 141–2  
     research program 147  
     and social networking services 142, 144, 147  
 cybersafety games 142  
 Cybersafety Help Button 143  
 cybersafety information  
     for parents 140, 141, 142, 144  
     for schools 22, 140, 141–2, 147  
 Cybersmart Badge 142  
 Cybersmart Detectives 142, 144

    evaluation 142, 147  
 Cybersmart Hero 142, 144  
 Cybersmart Networking 142  
 Cybersmart Outreach program 22, 140, 141, 147  
     Internet Safety Awareness presentations 141  
     pre-service teacher program 141  
     Professional Development for Educators program 22, 141  
 Cybersmart program 140–1  
     awareness activities 140  
     brand awareness 14, 147  
     Cybersmart Online Helpline 141  
     Cybersmart Outreach program 140, 141, 147  
     industry endorsements 140  
     initiatives 143–4  
     interactive shared learning activities 142  
     outdoor program 143–4  
     partnerships 144  
     presentations, workshops and shared learning activities 143  
     website features and use 22, 140–1  
 Cyberspace Law and Policy Centre, University of NSW 149

## D

DAB+ digital radio 44  
 Dante's Cove 111  
*Datacasting Charge (Imposition) Act 1998* 78  
 datacasting charges 78  
 declaration of primary services 126–7  
 Department of Broadband, Communications and the Digital Economy (DBCDE) 18, 25, 41, 43, 78, 116, 137, 139, 143  
 Department of Climate Change 163  
 Department of Finance and Deregulation (DoFD) 162  
*Deployment of Mobile Phone Network Infrastructure* 85  
*Developments in home networks* 149  
 Digital Australians – expectations about media content issues in a converging media environment 148  
 digital broadcasting 41–4  
 digital channel plans and variations 64  
 digital communications technologies 150  
 digital dividend 19, 23, 42, 45, 46, 52, 218  
     reallocation 14, 19, 45, 46, 52  
     restack 13, 14, 19, 42  
 digital economy 150  
     emerging business models 148  
     technology developments 149  
 digital licences 184–8  
 digital media literacy 148  
 digital radio, introduction of DAB+ digital radio 44  
*Digital radio accessibility* 149  
 Digital Switchover Taskforce 18, 41

digital television 13–14, 18, 41–4  
 commencement dates, remote licence areas 41  
 complaints under Conditional Access Scheme for satellite access to 108  
 electronic programs guides 82  
 high definition 3D television services, trials 41  
 parental lock standard 82  
 restack planning principles 19, 42  
 roll-out in remote licence areas 41  
 signal measurement and field analysis 43  
 standards and codes 82  
 switchover timetable 18, 41  
 television channel planning 41–2  
 transition to 41, 146  
 transmission and reception, report 43  
 Viewer Access Satellite Television (VAST) 41, 43, 44, 108

digitisation of community television services in metropolitan areas 67

direct debits, complaints 95

directions and instruments 218

directorship breaches 38–9

directory assistance service 71

disability reporting 154–5

disclosures of information 219  
 breaches of privacy errors 94  
 IPND data for telephone-based emergency warning systems 116  
 to law enforcement and national security agencies 116

DMG Radio (Australia) 130

Do Not Call Register 13, 21, 97, 138–9  
 access fees and cost recovery 75  
 ACMA's approach to telemarketing and fax marketing compliance 101  
 complaints 13, 21, 97, 98–9  
 complaints classification 98–9  
 complaints process 97  
 compliance investigations and enforcement 101  
 contract 138–9  
 effectiveness for home telephone numbers 102  
 effectiveness for mobile numbers 102  
 Federal Court ruling 13, 21, 102, 220  
 industry and consumer awareness campaign 139  
 industry liaison and education 102  
 international engagement 102–3  
 investigations and enforcement 101–2  
 new registrant survey 102  
 number registration process 138  
 number of telephone numbers added to 138  
 numbers that can be registered 138  
 website 139  
 see also fax marketing; telemarketing

*Do Not Call Register Act 2006* 21, 97, 99, 101, 102, 138, 139, 220

*Do Not Call Register Act 2006 – Compliance*

*Guide* 101

*Do Not Call Register Legislation Amendment Act 2010* 138, 139

domestic antenna stock 146

domestic systems interference 90

*Draft spectrum reallocation recommendations for the 700 MHz digital dividend and 2.5 GHz bands* 52

drama expenditure, by subscription television 128–9

## E

e-commerce, consumer engagement in 145

e-security 119–20

E-Security National Agenda (ESNA) 119

ecologically sustainable development and environmental performance 163

economic analysis and regulatory reviews 148

education resources (Cybersafety) 141–2

Electrical Regulatory Authorities Council (ERAC) 80

electromagnetic compatibility (EMC) regulatory arrangements 79

electromagnetic compatibility standards 81–2

electromagnetic energy (EME) health exposure regulatory arrangements 82

electromagnetic energy (EME) regulatory arrangements 79, 81–2

electromagnetic energy standards 82–3

electronic news gathering (ENG) services 18, 44, 52

electronic programs guides (EPG), principles 82

email spam 13, 22  
 trends 103

emergency call service 117–19  
 106 emergency call service 117, 137  
 112 emergency call service 117  
 enhanced mobile location for emergency service organisations 118  
 and Integrated Public Number Database 117  
 investigation into VoIP-only CSP compliance with ECS Determination 119  
 and National Relay Service 137  
 new determination 118, 119  
 reducing the volume of non-emergency calls 118  
 SMS and Smartphone access for deaf and speech and hearing impaired 137  
 Telstra as designated provider for 000 and 112 numbers 117, 137  
 Triple Zero (000) emergency call service 117, 118, 137  
 Triple Zero Kids Challenge 118  
 and TTY users 137

Emergency Call Service Advisory Committee (ECSAC) 117, 118, 168, 215  
 review 118

Emergency Smartphone Trial 137

Emergency SMS Service 137  
 enhanced mobile location for emergency  
   service organisations 118  
 equity statement 238  
 Ergon Energy Telecommunications Pty Ltd 57  
 ethical standards 155  
 European Commission 121  
 European Space Agency 45  
 Executive Group 32  
   attendance at meetings 167  
   meetings 167  
   see also Senior Executive Staff  
 expenses 31  
 extended zones agreement 139  
 external scrutiny 161, 162, 233–4

## F

fax marketing 97–103, 138  
   ACMA's approach to telemarketing  
   compliance 101  
   complaints 13, 21, 97, 98  
   complaints by industry sector 100  
   complaints process 97  
   industry standards 97  
   investigations and enforcement 101–2  
 Fax Marketing Industry Standard 2011 97  
 fees see revenue and fees  
 FHT Travel Pty Ltd 102, 220  
 Field Office Competency Requirements,  
   Qualifications and Training Project 156  
 financial management 162–3  
*Financial Management and Accountability Act*  
   1997 31, 60, 162, 231  
 financial statements 232–46  
   notes to 247–99  
 5AU Broadcasting Pty Ltd 40  
*Five-year Spectrum Outlook 2011–15* 14, 44,  
   47–8, 55, 56  
 4.9 GHz band, review 50  
 400 MHz band, implementation 14, 18, 50, 51  
 FOXTEL Cable Television Pty Ltd 109, 112  
 franchise investigation, and TCP Code  
   compliance 95  
 Fraud Control Plan 161  
 Free TV Australia 124  
 free-to-air broadcast television, end of 41  
 freedom of information 214–15  
   processes 214–15  
*Freedom of Information Act 1982* 214  
 freephone and local rate numbers (FLRNs),  
   auction system 77  
 Friendly Runet Foundation (Russia) 115

## G

Galexia 149  
 General Television Corporation Pty Ltd 111  
 geographic numbering amendments 71  
 GfK bluemoon 146, 148, 221

glossary 300–4  
 Google 140  
 Gov 2.0 network 22, 151, 159, 160  
 Grady, Diane 38  
 green energy 163  
 Griffith Institute of Educational Research 147  
*Guide to the Children's Television Standards*  
   2009 125

## H

*Handling of Life Threatening and Unwelcome*  
   *Communications Code* 116, 130  
 Harbour Radio Pty Ltd 110  
 health and safety 155  
 hearing, deaf or speech impaired, SMS and  
   Smartphone access to emergency call  
   service 137  
 Hector's World 142  
 high definition 3D television services, trials 41  
 high definition broadcasting, content  
   regulation 128  
 highlights 16–23  
 home network environment 149  
 home telephone numbers, effectiveness of  
   DNC register 102  
 hosting international delegations 121  
*Hungry for Sport* program 110

## I

identity checking requirements for pre-paid  
   mobile phone services 116  
 iiNet, priority assistance 136  
 Imposition of Annual Charge – Date  
   Determination 76  
 income statement 236  
 Independent Auditor's report 233–4  
 industry levies 74  
 Industry Number Management Service (INMS)  
   Ltd 70  
 industry standards  
   fax marketing 97  
   telemarketing and research calls 97  
 information management 161  
   technology platform 160–1  
   transformation agenda 159, 160  
 informed consent research 146  
 INHOPE (International Association of Internet  
   Hotlines) 115, 121  
 INSAFE 144  
*Installation of Broadcast Cabling and*  
   *Connection of Digital Broadcast*  
   *Equipment to a Telecommunications*  
   *Network* 84  
 Integrated Public Number Database (IPND)  
   data 119, 139  
   disclosure for telephone-based emergency  
   warning systems 116  
   and emergency call service 117

- investigation into VoIP CSP-compliance with 119
- interactive gambling 114
- Interactive Gambling Act 2001* 114
- interactive media control database 37
- interference
  - domestic systems 90
  - radiocommunications 88–91
  - special events 91
- international activities 23, 47–8, 105, 120–1
  - hosting delegations from overseas stakeholders 121
  - INHOPE 115, 121
  - international training program 121
  - Trans Tasman Mutual Recognition Agreement 121
- International Audiotex Regulators Network (IARN) 97
- international broadcasting licences 64
- International Commission for Non-Ionizing Radiation Protection (ICNIRP) 82
- International Cyber-Security Awareness Raising and Educational Initiatives 149
- international delegations, hosting 121
- International Do Not Call Register regulators' forum 102
- International Safer Internet Day (8 February 2011) 144
- International Telecommunications Union (ITU) 53, 90
  - Australian participation in 47
  - Conference Preparatory Meeting for WRC-12 23, 47
  - International Training Program 121
  - Plenipotentiary Conference (PP10) 121
  - Radio Regulations 54
  - Radiocommunication Study Groups 47
  - World Radiocommunications Conference (WRC) 2012 23, 47
- International Training Program 121
- internet
  - content complaints 112–14
  - cooperation with INHOPE to remove child abuse material 115
  - household experiences with e-commerce 145
  - industry codes 130
  - INHOPE 115, 121
  - prohibited or potentially prohibited internet content 112–14
  - safety *see* cybersafety
- Internet Industry Association of Australia (IIA) 112
- 'iCode' 120
- Internet Safety Awareness presentations 141
- Internet Watch Foundation (UK) 115
- investigations *see* compliance investigations

## J

6th Joint London Action Plan – Contact

- Network for Spam Authorities Workshop (October 2010) 105
- judicial and administrative decisions 220

## K

- Kids Helpline 141
- Korean Information Security Agency 105

## L

- labelling notices 79–80
- landline products, website information 93
- law enforcement liaison 116
- Leadership Program 156
- legislation 216–17
- Let's Fight It Together* 142
- licence area plans, variations to 62–4
- licence fees
  - broadcasting 74, 78
  - carrier licensing 75
- licence taxes
  - apparatus 77
  - spectrum 77
- licensing
  - Accredited Persons Scheme 59–60
  - apparatus licences 56–7, 188
  - broadband wireless access 57
  - broadcasting 64–7
  - broadcasting licence area plans and variations 62–4
  - broadcasting service apparatus licence variations 189
  - carrier licences 177
  - changes to licensing arrangements 58
  - class 59–62
  - commercial radio broadcasting licences 37, 39–40, 66
  - commercial television broadcasting licences 37, 66, 78, 126
  - community broadcasting licences, review of allocation and renewal process 65
  - community radio broadcasting licence 65–6
  - community television broadcasting licences 66–7
  - digital channel plans and variations 64
  - digital licences 184–8
  - international broadcasting licences 64
  - low interference potential devices 59
  - low power open narrowcasting licences 57
  - mobile communication services on aircraft 57–8
  - national services 182
  - nominated carrier declarations 177–8
  - public mobile telecommunications services 57
  - radiocommunications 56–8
  - removal of all references to MDS



- (Multipoint Distribution Station) apparatus licence type 58
- retransmission services 178–82
- S102 licences allocated 190
- special events 191–2
- spectrum 58–9
- telecommunications 68
- temporary community broadcasting licenses 65
- test transmissions 182–4
- wireless access services 57
- Lithgow Correctional Centre, mobile phone jammers trial 53
- local content 39–40
  - regional radio 39–40
  - regional television 39
- local presence plan 136
- London Action Plan (LAP) 105
- ‘LOVE’ postcard strategy 144
- low interference potential devices 59
- low power open narrowcasting licences (LPON) 57
  - compliance investigations 88
- low-impact facilities 84
- Luther, Geoff 27

## M

- McKenna, Siobhan 38
- McNeill, Jennifer 27
- Macquarie Bank Ltd 38
- Macquarie Group Ltd 38
- malware 119
- marine radio operator certification services 60
- marine radio operator qualifications for recreational boaters, review 61–2
- Marine Radio Operators VHF Handbook* 62
- market-based resource management 55
- market research expenditure 221–2
- market trends and service developments 148
- Marks, Hugh 28
- mass service disruption notices, by carrier/ CSP 135
- media advertising expenditure 221
- meetings (ACMA) 166–7
- Members of the Authority 26–9
  - remuneration 271–3
- Mid West Radio Quiet Zone 59
- Minister for Broadband, Communications and the Digital Economy 19, 36, 42, 43, 45, 66, 67, 75, 85, 106, 129, 133, 136, 137, 139, 145, 149
- Ministerial reports 149
- mobile applications market 148
- mobile billing, 3G customers understanding of 145
- mobile broadband
  - spectrum requirements 45, 51–2
  - trends 148
- Mobile Carriers Forum (MCF) 85
- mobile communications services on aircraft,

- radiocommunications licensing 57–8
- mobile numbers, effectiveness of DNC register 102
- mobile phone boosters 83
- mobile phone coverage 139
- Mobile Phone Jammer Prohibition
  - education and awareness principles at work 87
  - proposed mobile phone jammer trial at Lithgow Correctional Services 53
  - review 52–3
- mobile phone network infrastructure
  - deployment 85
- mobile phone services, and Triple Zero (000) calls 117
- mobile premium services, complaints 20, 96–7, 144
- Mobile Premium Services Code (MPS Code) 96, 97, 130
  - review 12, 20
- Mobilegate Ltd 220
- ‘multichanneled’ television services in digital mode 126
- multifaceted television coverage evaluation program (CEP) 43
- Multipoint Distribution Station (MDS) apparatus licence type, removal of references to 58
- Murdoch, Lachlan 38

## N

- National Broadband Network (NBN) 12–13
  - customer cabling 84
- National Classification Code 112
- National Consultative Forum 156
- National Cyber Security Awareness Week 144
- National Day of Action on Bullying and Violence (March 2011) 144
- National Framework for Improved Radiocommunications Interoperability 51
- national interest issues 116–20
- National Marine Safety Committee 61
- National Relay Service (NRS) 136–7
  - consultation with users 137
  - levy 75, 137
  - performance reporting 137
- National Relay Service Customer Consultative Committee (NRSCCC) 137, 215
- national service licences 182
- NBN Co Ltd 58, 59, 110
- NetBasics (cybersecurity educational resource) 141
- NetSafe 144
- Network Reliability Framework (NRF) 12, 135–6
- Network Ten, and Children’s Television Standards 108
- A new approach for recreational boaters who operate VHF marine radios* 61
- New South Wales Submarine Cable Protection Zone Advisory Committee 169

New Zealand Approved Radio Engineers and Approved Radio Certifiers 60

New Zealand Ministry of Economic Development 121

Nine Network

- AFL Footy Show* 111
- complaints-handling enforceable undertaking 111
- Dante's Cove* 111
- program classification, enforceable undertakings 111
- see also TCN Channel Nine

*The 900 MHz band – Exploring new opportunities: Initial consultation on future arrangements for the 900 MHz band* 14, 18, 45, 49

nominated carrier declarations 68, 177–8

non-emergency calls, reducing the volume of 118

number allocations register 68

number auctions 77

number portability 70

number pre-selection 70–1

numbering 13

- consumer behaviours and attitudes 146
- directory assistance service 71
- geographic numbering amendments 71
- work program 72–3, 146

Numbering Advisory Committee (NAC) 68, 168, 215

*Numbering: allocation and charging of numbers* 73

numbering charges 68, 76

- amount of charge 76
- amounts outstanding 76, 77

*Numbering: customer location information and numbering data* 73

*Numbering: implications of research into consumer issues* 73

Numbering Plan 13, 68, 70, 71, 72

administration 68

*Numbering: structure of Australia's telephone numbering plan* 72

numbering transactions 69–70

- quantity of numbers allocated by INMS by number type 70
- quantity of numbers allocated by number type 69
- quantity of numbers surrendered by INMS by number type 70
- quantity of numbers surrendered by number type 69
- quantity of numbers transferred by number type 69

## O

occupational health and safety 155

*Occupational Health and Safety Act 1991* 156

Office of the Information Commissioner 94

office locations, ACMA 163, 165

online content complaints 21, 112–14, 115

Online Numbering System (NUMB) 68

online safety see cybersafety

open narrowcast radio, non-breach findings 213

open narrowcast television, breach findings 207

Open Narrowcast Television Codes of Practice 2009 109

operating plan 32

operator examinations

- amateur radio operators 62
- marine radio operators 61–2

opportunity-cost pricing for administratively allocated spectrum 55–6

Optus 85, 137

- priority service 136

outcomes (ACMA) 35, 123, 223

- communications regulation, planning and licencing 35, 47, 223, 226–7
- consumer safeguards, education and information 123, 223, 227

outreach program, cybersafety 22, 140, 141, 147

ownership and control (broadcasting) 36–40

- broadcasting financial results 40
- compliance with ownership and control provisions 37–9
- local content 39–40
- Register of Controlled Media Groups 36–7

## P

parental lock standard, digital television 82

parents, cybersafety information 140, 141, 142, 144

partnerships, Cybersafety program 144

payphone performance 134

performance against PBS KPIs and deliverables 2010–11

- communications regulation, planning and licensing 35, 226–7
- consumer safeguards, education and information 123, 227

performance management 158

performance payments 153–4

portability of numbers 70

post-paid mobile products, website information 93

prepaid mobile phone services, identity checking requirements 116

prepaid mobile products, website information 94

preschool programs see children's television, children's and preschool programs

pre-selection of numbers 70–1

pre-service teachers (Cybersmart program) 141

price-based apparatus licence allocations, low power open narrowcasting licenses 57

primary services, declaration of 126–7



Prime Media Group Limited 38  
 Primus, priority assistance 136  
 priority assistance 133, 136  
*Priority Assistance for Life Threatening Medical Conditions* 136  
 Privacy Awareness Week 144  
 privacy of billing information 94  
*Privacy Guidelines for Broadcasters*, review 147  
 procurement and contract management 163  
 Professional Development for Educators program (Cybersafety) 22, 141  
 Program 1.1 communications regulation, planning and licencing  
     outcome 35, 47, 223, 226–7  
     performance against PBS KPIs and deliverables 2010–11 226–7  
 Program 1.2 consumer safeguards, education and information  
     outcome 123, 223, 227  
     performance against PBS KPIs and deliverables 2010–11 123, 227  
 program classification, enforceable undertakings 111–12  
 programs and content, children's television 193–4  
 prohibited customer equipment 52–3, 83, 87  
 prohibited or potentially prohibited internet content 112–14  
 Project Enterprise 156, 160  
 Project Management Office 159  
 property management 163  
 protection of consumer information 139  
 Protective Security Policy Framework 161  
 public mobile telecommunications services, licences 57  
*Public Service Act 1999* 29  
 publications 215

## Q

Quoin Ridge monitoring and investigation facility 89, 90

## R

*RadComms2011* 14, 23, 46  
 Radio 2UE Sydney Pty Ltd 110  
 Radio 3AW Melbourne Pty Ltd 110  
 Radio 4BC Brisbane Pty Ltd 110  
 Radio 4HI Pty Ltd 40  
 Radio 6PR Perth Pty Ltd 110  
*Radio Licence Fees Act 1964* 78  
 radiocommunications 46–54  
     broadband wireless access – 3.6 GHz band 57  
     compliance investigations 87–8  
     expiring spectrum licences 48  
     *Five-year Spectrum Outlook 2011–15* 44, 47–8, 55, 56

400 MHz band implementation 14, 18, 50, 51, 55  
 interference management, compliance investigations 88–91  
 international activities 47–8  
 licencing 56–8  
 licencing compliance – statutory enforcement principles at work 88  
 mobile broadband project 51–2  
 planning of spectrum for government and public safety purposes 50  
 prohibited devices – education and awareness principles at work 87  
 regulatory arrangements 79  
 research and analysis 54  
 review of 4.9 GHz band 50  
 review of 900 MHz band 14, 18, 45, 49  
 review and implementation of 2.5 GHz arrangements 14, 18, 44, 45, 52, 55  
 review of the mobile phone jammer prohibition 52–3  
 700 MHz band reallocation 14, 19, 45, 46, 52, 55  
 space regulation 53–4  
 spectrum planning 18, 44–5, 46, 47–52, 53–4  
 stakeholder engagement 46  
 standards 81  
 supplier auditing program compliance  
 surveillance principles at work 87  
 wireless access services 52  
 Radiocommunications (Accreditation – Prescribed Certificates) Principles 2003 60  
*Radiocommunications Act 1992* 19, 45, 53, 78, 81, 87  
 Radiocommunications Assignment and Licensing Instructions (RALI) MS32 59  
 Radiocommunications (Bench Testing by Corrective Services NSW of Mobile Telephone Jamming Device) Exemption Determination 2010 (the Bench Testing ED) 53  
 Radiocommunications (Citizen Band Radio Stations) Class Licence 2002 51  
 Radiocommunications (Compliance Labelling – Electromagnetic Radiation) Notice 2003 87  
 Radiocommunications Compliance Laboratory 91  
 Radiocommunications Consultative Committee (RCC) 46, 169, 215  
 Radiocommunications Devices (Compliance Labelling) Notice 2003 81, 87  
 Radiocommunications (Electromagnetic Radiation – Human Exposure) Standard 2003 83  
 Radiocommunications Labelling (Electromagnetic Compatibility) Notice 2008 87  
 Radiocommunications (Limitation of Authorisation of Third Party Users) Determination 2000 58

Radiocommunications (Low Interference Potential Devices) Class Licence 2000 59  
 Radiocommunications (Prohibition of PMTS Jamming Devices) Declaration 2011 53  
 radiocommunications regulatory arrangements 79  
 Radiocommunications (Short Range Devices) Standard 2004 81  
 Radiocommunications (Third Party Use – Spectrum Licence) Rules 2000 (No. 2) 58  
 Radiocommunications (UHF CB Radio Equipment) Standard 2011 (No. 1) 81  
 radiofrequency spectrum planning see spectrum planning  
*Ray Hadley Morning Show* 110  
*Reconnecting the Customer* public inquiry 11–12, 17, 93, 131–3, 145, 146  
     commissioned research 132  
     objectives 132  
     results and proposed recommendations 11–12, 132–3  
     submissions, meetings and hearings 132  
 RecordPoint 161  
*Reform of the commercial radio standards: a review of the expected economic costs* 148  
 Regional Equalisation Plan 78  
 regional radio  
     local content – all regional commercial radio broadcasting licensees 39  
     local content and presence obligations due to a trigger event 39–40  
 regional television, local content 39  
 Register of Controlled Media Groups (RCMG) 36  
     Associated Newspaper Register 37  
     compliance with ownership and control provisions 37–9  
     interactive media control database 37  
     unacceptable media diversity situation 37  
     unacceptable three-way control situation 37  
     updates to 36–7  
 Registrars' Coordinating Committee 83  
 regulatory arrangements 79–80, 81–2  
 Regulatory Compliance Mark (RCM) 79, 80  
 regulatory functions 36  
 regulatory impact analysis compliance report 228  
 regulatory role 124–31  
 remote digital television areas, commencement dates 41  
 remuneration  
     Members 271–3  
     Senior Executive 271–3  
 Rescue Coordination Centre 90  
 research calls, industry standard 97  
 research and reporting 22, 145–51  
     broadcasting and media privacy 147  
     comparative international research 149  
     consumer and audience research 145–6  
     digital media literacy 148

economic analysis and regulatory reviews 148  
 market trends and service developments 148  
 Ministerial reports 149  
 research into online safety 147  
 technology and technical developments 149  
 transition to digital television 146  
 Resonate Broadcasting Pty Ltd 40  
 resource taxes 74  
 restack planning principles 13, 14, 19, 42  
 retransmission services 178–82  
 revenue and fees 31, 74–8  
*Review of the 2.5 GHz band and long-term arrangements for ENG – Response to submissions paper* 44, 52  
*Review of Access to Telecommunications Services by People with Disability, Older Australians and People Experiencing Illness* 137  
*Review of Literature on Commercial Influence in News and Current Affairs Programs on Commercial Radio* 148  
 risk management 161  
 Roy Morgan Research 132, 146

## S

S102 licences allocated 190  
 Safer Internet Plus Program 121  
 Samuel, Graeme 28  
 satellite regulatory practices and processes, review 54  
 SBS radio 210  
 SBS television, non-breach findings 206  
 schools, cybersafety information 22, 140, 141, 142, 147  
 Schools Gateway 140  
 security 161  
 Security Advisory Committee 161  
 Senior Executive Staff (SES)  
     common law arrangements 153  
     performance payments 153–4  
     remuneration 153, 271–3  
 Seoul–Melbourne Multilateral Memorandum of Understanding on Cooperation in Countering Spam 105  
 Service Stream Solutions Pty Ltd 138  
 Seven Network, and Children's Television Standards 108  
*Seven Nightly News* 110  
 700 MHz band, reallocation 14, 19, 45, 46, 52, 55  
 sexting lesson plans 142  
 SharePoint 2010 161  
 Shogren, Rod 27  
 signal measurement and field analysis (digital television) 43  
 simulcast period 126, 127  
**smarnumbers®** 55, 77

- auctions 77
- SMS access for deaf and speech and hearing impaired to emergency call service 137
- SMS spam 13, 22, 220
  - trends 103
- social networking, and cybersafety 142, 144, 147
- Southern Cross Media Group Limited 38
- space regulation 53–4
  - review of satellite regulation practices and processes 54
- spam
  - complaints 13, 22, 103–4
  - email and SMS 13, 22, 103
  - see also anti-spam
- Spam Act 2003* 21, 220
- Spam Intelligence Database (SID) 104–5, 119
- Spam MATTERS 105
- special event licences 191–2
- spectrum auction capability 58
- spectrum auctions 45, 55
- spectrum licences 52
  - 2.3 GHz band – unallocated spectrum licences 58
  - expiring 48
  - taxes 77
  - traded 58–9
- spectrum licensing 58–9
- spectrum management principles 55
- spectrum planning 14, 18, 44–5
  - allocation of 3.6 GHz band 57
  - allocation of 700 MHz and 2.5 GHz bands 19, 45, 52
  - Five-year Spectrum Outlook 2011–15* 14, 44, 47–8, 55, 56
  - international activities 47–8
  - radiocommunications 44–5, 46, 47–52, 53–4
  - research and analysis 54
  - space regulation 53–4
- Spectrum reallocation in the 700 MHz digital dividend band* 19, 45, 46
- Spectrum Tune-ups 23, 46
- Square Kilometre Array 45, 59
- staff 153–9
  - ACMA Enterprise Agreement 2011* 153, 156, 176
  - capability development and training 156
  - consultations and workplace relations 156
  - Creating Knowledge program 158
  - ethical standards 155
  - health and safety 155
  - non-salary benefits 153
  - numbers and profiles 170–5
  - performance management 158
  - performance payments 153–4
  - salary ranges 153, 176
  - strategic workforce planning, case study 157
  - transformation program 158–9
  - Workplace Diversity Program 154
  - see also Senior Executive Staff

- stakeholder engagement 15, 22, 46, 162
- standards
  - anti-terrorism 109
  - Children's Television 108, 125
  - and codes, digital television 82
  - commercial radio 109–10
  - electromagnetic compatibility 81–2
  - electromagnetic energy 82–3
  - parental lock 82
  - radiocommunications 81
  - technical 80
  - telecommunications 80–1
  - telemarketing and research calls 97
- Standards Australia 80, 81, 82
- statement of changes in equity 238
- statement of comprehensive income 236
- statutory reporting, transforming 150–1
- Steering Group for National Cyber Security Awareness Week 144
- Strategic Plan 158
- strategic planning 32
- strategic workforce planning, case study 157
- Studies Assistance Guidelines 156
- submarine cable protection 85–6
- Subscription Broadcast Television Code of Practice 2007, review 20
- subscription broadcasting television, breach and non-breach findings 207
- subscription narrowcast television
  - Al-Manar investigation 109
  - breach and non-breach findings 207
- Subscription Narrowcast Television Code of Practice 2007, review 20
- subscription television drama expenditure 128–9
- SuperClubsPLUS Australia 142
- Sydney office, relocation 163

## T

---

- Tagged* (cybersafety film) 141
- Taipei Economic and Cultural Office 105
- Take-up and use of voice services by Australian consumers* 150
- TCN Channel Nine Pty Ltd 110
- TCP Code see Telecommunications Consumer Protection Code
- TCP Code Review Steering Group 12, 96
- teachers, cybersafety information 141
- Technical Advisory Group (TAG) 79, 168–9, 215
- technical regulation 79–86
- technical standards 79
- Technical Working Group (TWG) 79
- Technology developments in the digital economy* 149
- technology and technical developments 149
  - technology applications research publications 149
- telecommunications
  - carrier licensing 68, 75, 177

- complaints 13, 21, 95
- compliance 91–7
- consumer issues *see Reconnecting the Customer* public inquiry
- customer service experiences 145
- infrastructure regulation 84–5
- numbering 68–73, 146
- regulatory arrangements 79
- standards 80–1
- Telecommunications Act 1997* 20, 70, 71, 83, 84, 85, 94, 97, 116, 130, 139, 150
- Telecommunications (Annual Charge) Determination 2007 (No. 2) 76
- Telecommunications (Annual Numbering Charge – Late Payment Penalty) Determination 2000 76
- telecommunications awareness 144
- telecommunications code compliance 21, 91–7
  - ACMA approach to 91–2
  - auditing information available on providers' websites 93–4
  - auditing the privacy of billing information 94
  - credit-handling and customer transfer investigation 95
  - franchise investigation 95
  - terms and conditions and billing investigation 95
  - Vodafone investigation 94
  - see also Reconnecting the Customer* public inquiry; *Telecommunications Consumer Protections Code (TCP Code)*
- Telecommunications Code of Practice 1997 84–5
- Telecommunications Consumer Protection Code (TCP Code) 21, 93, 94, 95
  - complaints-handling investigation 95
  - non-compliance with 94, 95
  - review 12, 96
- Telecommunications consumer protection compliance and enforcement bulletin* 92
- Telecommunications (Consumer Protection and Service Standards) Act 1999* 75, 133, 134, 136
- Telecommunications (Customer Service Guarantee) Standard 2011 (CSG Standard) 134
- Telecommunications (Date Due for Annual Charge) Determination 1999 76
- Telecommunications (Do Not Call Register) (Telemarketing and Research Calls) Industry Standard 2007 97
- Telecommunications (Emergency Call Service) Amendment Determination 2011 (No. 1) 118, 119
- telecommunications industry codes 130
  - consumer-related funding 130
  - Telecommunications Industry Ombudsman (TIO) 12, 17, 91, 94, 96, 133–4
  - exemptions from TIO scheme 134
  - non-compliance with TIO scheme 134
  - scheme membership 134
- Telecommunications Labelling (Customer Equipment and Customer Cabling) Notice 2001 80, 84, 87
- Telecommunications Legislation Amendment (Competition and Consumer Safeguards) Act 2010* 133
- Telecommunications (Low-impact Facilities) Determination 1997 84
- Telecommunications (Numbering Charges) Act 1997* 76
- Telecommunications Performance Bulletin* 134
- Telecommunications (Prohibition of Mobile Phone Boosters) Declaration 2011 83
- telecommunications providers' websites, audits 93–4
- Telecommunications Service Provider (Mobile Premium Services) Determination 2010 (No.1) 96
- Telecommunications Service Provider (Mobile Premium Services) Determination 2010 (No.2) 20, 96
- Telecommunications (Types of Cabling Work) Declaration 2007 84
- telemarketing 97–103
  - ACMA's approach to telemarketing compliance 101
  - complaints 21, 98
  - complaints by industry sector 100
  - complaints classification 98–9
  - complaints process 97
  - and Do Not Call Register 97, 98–9, 138, 220
  - industry standard 97
  - international engagement 102–3
  - investigations and enforcement 101–2
- telephone-based emergency warning systems, disclosure of IPND data for 116
- television channel planning and restack (digital television) 19, 41–2
- Television Licence Fees Act 1964* 78
- Television Licence Fees Amendment Regulations 2010 (No. 1) 78
- Television Program Standard 23 – Australian Content in Advertising 124
- Telstra 58, 85, 140
  - breach of privacy error 94
  - directory assistance service 71
  - emergency call service 117, 137
  - extended zones agreement 139
  - Integrated Public Number Database Scheme 139
  - local presence plan 136
  - mobile phone coverage 139
  - Network Reliability Framework 135–6
  - payphone performance and removal 134
  - priority assistance 136
  - public mobile telecommunication service licences 57
  - Standard Marketing Plan 134
  - as USO provider 75, 134
- temporary community broadcasting

- licenses 65
- temporary community radio, breach and non-breach findings 212
- Temporary trials of 3D TV and other emerging technologies* 41
- test transmission licenses 182–4
- 3G mobile billing and charging arrangements 145
- 3.6 GHz band, broadband wireless access 57
- TNS Social Research 145
- Towards 2020 – Future spectrum requirements for mobile broadband* discussion paper 18, 45, 51–2
- training and capability development 156
- Trans Tasmanian Mutual Recognition Agreement 121
- transformation program 158–9
- Transformational Leadership Forum (TLF) 159
- transition to digital television 146
- trial certificates (carrier licences) 68
- trigger events 39–40
- Triple Zero (000), emergency call service 117, 118, 137
- Triple Zero Kids Challenge 118
- TTY (teletypewriter) users, and emergency call service numbers 137
- 2 GHz band, public mobile telecommunication services licences 57
- 2GF AM Radio Pty Ltd 110
- 2.3 GHz band, unallocated spectrum licences 58
- 2.5 GHz band
  - arrangements to accommodate ENG 18, 44, 52
  - reallocation 14, 19, 45

## U

---

- UCI World Road Cycling Championships 91
- UHF Citizen Band radio equipment standard 81
- unacceptable media diversity situation 37
- unacceptable three-way control situation 37
- Universal Service Obligation (USO) 12, 133, 134
  - eligible revenue assessment 75
  - funding and subsidies 75
- unsolicited marketing faxes 138
- unsolicited telemarketing calls 138
- unwelcome communications 130
- US Federal Trade Commission 102

## V

---

- Victorian Radio Network Pty Ltd 110
- Viewer Access Satellite Television (VAST) service 41, 43, 44, 108
- Vodafail.com report 94
- Vodafone Hutchison Australia 85
  - breach of privacy investigation 94

- complaints 94
- voice communications 150
- VoIP services
  - compliance with IPND requirements 119
  - CSP compliance with ECS
  - Determination 119

## W

---

- The way ahead: timeframes and implementation plans for the 400 MHz band* 51, 55
- Web 2.0 22, 162
- website information
  - broadband products 93
  - landline products 93
  - post-paid mobile products 93
  - prepaid mobile products 94
- Western Australia Submarine Cable Protection Zone Advisory Committee 169
- WestWood Spice (WWS) 137
- WIN Television, program classification, enforceable undertakings 111
- wireless access services (WAS) 52
  - 3.6 GHz band spectrum allocation 57
  - review of 2.5 GHz arrangements 52
- Wireless Institute of Australia (WIA) 62
- workforce planning 157
- Workplace Diversity Program 154
- workplace relations 156

## X

---

- Xavier, Dr Patrick 132

## Y

---

- Youth Advisory Group (YAG) 143



**Canberra**

Purple Building  
Benjamin Offices  
Chan Street  
Belconnen ACT

PO Box 78  
Belconnen ACT 2616

T +61 2 6219 5555  
F +61 2 6219 5353

**Melbourne**

Level 44  
Melbourne Central Tower  
360 Elizabeth Street  
Melbourne VIC

PO Box 13112  
Law Courts  
Melbourne VIC 8010

T +61 3 9963 6800  
F +61 3 9963 6899

**Sydney**

Level 5  
The Bay Centre  
65 Pirrama Road  
Pyrmont NSW

PO Box Q500  
Queen Victoria Building  
NSW 1230

T +61 2 9334 7700  
1800 226 667  
F +61 2 9334 7799